

Pages 1 to / à 5
are under consultation
sont sous consultation

From: Hannah Uniqsaraq
To: DBaiki@gov.nu.ca; PRICE2, JOHN (AADNC/AANDC); Dewar, Spencer (AADNC/AANDC)
Subject: FW: Regional-Community Sessions
Date: Tuesday, October 11, 2016 9:52:17 AM

FYI – We should be receiving logistical details related to the upcoming regional/community info sessions.

Qujannamii,

Hannah

From: Hannah Uniqsaraq
Sent: Tuesday, October 11, 2016 9:51 AM
To: 'Sharon Ehaloak'; Brian Aglukark
Cc: @gonzalezsp.com; Bert Dean; Miguel Chenier; @qia.ca; @kivalliqinuit.ca); 'Geoff Clark'; 'Luigi Torretti' (@hotmail.com); Marie Belleau; Ryan Mason
Subject: RE: Regional-Community Sessions

Hi Sharon,
 OK – Great.

We look forward to receiving the details. Miguel will be reaching out to your office re: resource materials (maps) for the sessions.

Have a good day everyone.

Qujannamii,

Hannah

From: Sharon Ehaloak [mailto:sehaloak@nunavut.ca]
Sent: Tuesday, October 11, 2016 9:34 AM
To: Hannah Uniqsaraq; Brian Aglukark
Cc: @gonzalezsp.com; Bert Dean; Miguel Chenier; @qia.ca; Luis Manzo @kivalliqinuit.ca); 'Geoff Clark'; 'Luigi Torretti' (@hotmail.com); Marie Belleau; Ryan Mason
Subject: RE: Regional-Community Sessions

Hi Hannah,

Thank you for the below e-mail. Brian and I will follow up with you later today regarding the Agenda items – we were in the Commission Meeting last week, hence the response today.

Ryan (carbon copied on this e-mail) will forward you the travel information and I confirm a correspondence to all parties will be sent out confirming all the charter information etc.

Respectfully,

Sharon Ehaloak

Executive Director

Sharon Ehaloak
 Nunavut Planning Commission
 Executive Director
 (867) 979-3444 / 867-983-4625
 sehaloak@nunavut.ca
 Box 1797
 Iqaluit Nunavut X0A 0H0

From: Hannah Uniqsaraq [mailto:HUniqsaraq@tunnigavik.com]
Sent: Friday, October 7, 2016 2:02 PM
To: Sharon Ehaloak <sehaloak@nunavut.ca>; Brian Aglukark <aglukark@nunavut.ca>
Cc: neida@gonzalezsp.com; Bert Dean <bdean@tunnigavik.com>; Miguel Chenier <MChenier@tunnigavik.com>; slonsdale@qia.ca; Luis Manzo (lmanzo@kivalliqinuit.ca) <lmanzo@kivalliqinuit.ca>; 'Geoff Clark' <dirlands@kitia.ca>; 'Luigi Torretti' (loutorretti@hotmail.com) <loutorretti@hotmail.com>; Marie Belleau <MBelleau@tunnigavik.com>
Subject: Regional-Community Sessions

Pages 7 to / à 9
are under consultation
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Page 10

**is withheld pursuant to section
est retenue en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Pages 11 to / à 15
are under consultation
sont sous consultation

July 26, 2017

INDIGENOUS AND NORTHERN AFFAIRS CANADA**ANTICIPATORY MEDIA LINES****(Not for external distribution - for use by spokespersons only)**

ISSUE

Baffinland's request to the Nunavut Planning Commission to amend the North Baffin Regional Land Use Plan to accommodate its latest Mary River Phase 2 proposal.

KEY MESSAGES

- The Government of Canada respects the role the Nunavut Planning Commission has as one of the institutes of public government created under the Nunavut Agreement.
- The Government of Canada recognizes the importance of Baffinland's requested amendment to the North Baffin Regional Land Use Plan and is working with all parties to find an amicable path forward.
- The Government of Canada expects the Nunavut Planning Commission to carry out its duty to consider the proposed amendment in a fair, expeditious, and timely manner, supported by its core funding. Processing occasional applications for land use plan amendments is a core function of the Nunavut Planning Commission.
- The North Baffin Regional Land Use Plan contains an approved transportation corridor, and Baffinland's Phase 2 Expansion project involves the addition of new transportation infrastructure and activities in that corridor.

If asked: How much INAC funds the Nunavut Planning Commission

- In 2017-18, the Government of Canada is providing the commission with almost 5-point-3 million dollars in core funding.
- Last year the Government of Canada provided the NPC with an additional [REDACTED] in supplemental funding in order to support the development of the Nunavut-wide Land Use Plan.

If asked: How much the commission is asking for in supplemental funding to review Baffinland's proposal

- The Nunavut Planning Commission is requesting half a million dollars.

If pressed on the NPC-INAC relationship

July 26, 2017

- The Government of Canada remains committed to working with its Nunavut partners to develop a Nunavut Land Use Plan (NLUP) that represents the vision and values of Nunavummiut and effectively guides and directs resource use and development decisions in the Nunavut Settlement Area

If asked: Is INAC reviewing the NPC's finances?

- Yes the department is reviewing the Nunavut Planning Commission's finances to ensure the funding has been spent in accordance with the terms and conditions of the funding agreement with the commission.

If asked: What is the status of last year's NPC Financial Review?

- INAC conducted a financial review of the Nunavut Planning Commission to provide an independent and objective opinion as to whether or not INAC funding has been spent in accordance with the terms and conditions of the funding agreement. This review covered three fiscal years (2012-13, 2013-14 and 2014-15). The results have been shared with the NPC. No further action will be undertaken at this time.

If asked: Will the results of last year's financial review will be made public?

- The results have been shared with the Nunavut Planning Commission. No further action will be undertaken at this time.

BACKGROUND

Under the Nunavut Agreement, the Nunavut Planning Commission (NPC) is responsible for preparing land use plans, with the active participation of the federal and territorial governments, Inuit organizations, community members and other stakeholders.

The NPC is the starting point for all projects proposed in areas where a land use plan is in effect. Through a system of zones, a land use plan assigns permitted and prohibited uses to specific geographical areas.

Currently, the NPC implements and monitors the North Baffin Regional Land Use Plan (NBRLUP). Baffinland's iron ore project falls under this plan. More information on these land use plans and how the NPC implements and monitors them can be found [here](#).

On March 17, 2017 Baffinland sent its proposal to the Nunavut Planning Commission. It proposed an amendment under the Appendix Q of the NBRLUP to allow for, among other things, transportation by rail through the Milne Inlet Tote Road and Marine Transportation Corridor.

In a July 4, 2017 letter to the Minister of INAC the Nunavut Planning Commission requested supplementary funding for a public review of this proposed amendment.

INAC recommends NPC use its core funding for the review of Baffinland's proposed amendment.

July 26, 2017

DESIGNATED SPOKESPERSONS

Media Relations (Region)	Spokespersons (Region)
<u>PRIMARY REGION CONTACTS</u> Matthew Illaszewicz A/Communications Manager (867) 975-4725	<u>PRIMARY SPOKESPERSON</u> Karen Costello A/RDG and Director, Resource Management (867) 975-4546 <u>SECONDARY SPOKESPERSON</u>
<u>TECHNICAL BACKGROUND</u> Felexce Ngwa A/Manager, Impact Assessment (867) 975-4552 Sarah Forte Water Management Coordinator, Mary River Team (867) 975-3876	

Approved by:

Felexce Ngwa, A/Manager, Impact Assessment
Karen Costello, A/RDG and Director, Resource Management –
James Neary, Manager NAO –
Jo-Anne Dumoulin, A/Manager NAO Comms –
Mark Hopkins, DG NREB –
Stephen Van Dine, ADM NAO –
Peter Edwards, DG Comms –
DMO –
MINO –

From: Alice D'Anjou
To: Costello, Karen; Illaszewicz, Matthew
Date: 7/25/2017 1:08 PM
Subject: Re: Evolving issues NPC, NLUP and Baffinland-Delegated - response required!

STand by.....

Alice d'Anjou
Sr. Communications Advisor, Communications
Conseillère principale en communications
Affaires Autochtones et du Nord Canada
Indigenous and Northern Affairs Canada
(613) 790-6972
alice.danjou@aandc-aadnc.gc.ca
>>> Karen Costello 7/25/2017 1:05 PM >>>
Please confirm number as someone else is using it
>>> Matthew Illaszewicz 7/25/2017 8:49 AM >>>

>>> Alice D'Anjou 7/24/2017 5:02 PM >>>
Grateful for the briefing, Janice! Please share with anyone else who should participate.

INSTRUCTIONS EN FRANÇAIS

Participants

Veillez composer le numéro suivant : Région de la capitale nationale : 819 997-9167, Sans frais : 1-866-885-0884

Choisissez l'option 1 pour obtenir les instructions en français ou sur l'option 2 pour les instructions en anglais

Veillez ensuite sélectionner l'option 1 pour participer à une téléconférence.

Entrez le code d'accès à 4 chiffres de la téléconférence : 

INSTRUCTIONS IN ENGLISH

Participants:

Number to dial: NCR: 819 997-9167, Toll Free: 1-866-885-0884

Select 1 for French or 2 for English

Select 1 (To participate in an audio conference)

Enter the 4 digit Conference pass code: 

-

Alice d'Anjou
Sr. Communications Advisor, Communications
Conseillère principale en communications
Affaires Autochtones et du Nord Canada
Indigenous and Northern Affairs Canada
(613) 790-6972
alice.danjou@aandc-aadnc.gc.ca

From: Alice D'Anjou
To: Illaszewicz, Matthew; Pawley, Kim (AADNC/AANDC)
CC: Leslie, Helen
Date: 4/28/2017 9:53 AM
Subject: Re: FW: Urgent - Need to Update Comms Lines for NPC
Attachments: NCR-#7631259-v11-NAO-NPC_AUDIT_JULY_2016.docx;
NCR-#7663103-v13-NAO_-_MEDIA_LINES_-_NPC_NLUP_-_REVISED_DRAFT.docx

Hey Kim, it will be me holding the pen. I have another urgent issue on deck this morning, but will give you a call shortly to get a quick briefing and we can go from there.

Are our Regional friends looped in too? cc'ing the regional Communications Manager, Matthew, as a heads up.

Current lines on NLUP, NPC funding are attached, for reference.

Talk soon,
Alice

Alice d'Anjou
Sr. Communications Advisor, Communications
Conseillère principale en communications
Affaires Autochtones et du Nord Canada
Indigenous and Northern Affairs Canada
(613) 790-6972
alice.danjou@aadnc-aadnc.gc.ca
>>> "Pawley, Kim (AADNC/AANDC)" <kim.pawley@canada.ca> 4/28/2017 9:12 AM >>>

Hi,

FYI. I can give you a quick debrief if you'd like. [REDACTED]

From: Laura Gemmell [mailto:Laura.Gemmell@aadnc-aadnc.gc.ca]
Sent: Thursday, April 27, 2017 6:53 PM
To: Vézina, Sylvain (AADNC/AANDC)
Cc: Bedard, David (AADNC/AANDC); Traynor2, Janice (AADNC/AANDC); Ballay, Patrick (AADNC/AANDC); Dewar, Spencer (AADNC/AANDC); Pawley, Kim (AADNC/AANDC)
Subject: Urgent - Need to Update Comms Lines for NPC

Hi Sylvain,

David Bedard has sent you some background information in relation to the Nunavut Planning Commission. We have been given a deadline by tomorrow (April 28) to respond to a supplementary funding request in relation to an amendment to the Baffinland Land Use Plan and a second deadline of May 5 for supplementary funding in relation to the Draft Nunavut Land Use Plan. If these deadlines are not met, [REDACTED]

Would you be able to update our media lines on NPC please in collaboration with the Comms Advisers in NAO and the Nunavut Regional Office.

David will call you early tomorrow to provide additional information.

Very sorry for the rush on this. Thank you very much and please let us know if you have any questions.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: "Pawley, Kim (AADNC/AANDC)" <kim.pawley@canada.ca>
To: "Dewar, Spencer (AADNC/AANDC)" <Spencer.Dewar@aadnc-aadnc.gc.ca>, "Gemmell, Laura (AADNC/AANDC)" <Laura.Gemmell@aadnc-aadnc.gc.ca>, Vézina, Sylvain (AADNC/AANDC) <Sylvain.Vezina@aadnc-aadnc.gc.ca>
CC: "Bedard, David (AADNC/AANDC)" <David.Bedard@aadnc-aadnc.gc.ca>, "Traynor2, Janice (AADNC/AANDC)" <Janice.Traynor@aadnc-aadnc.gc.ca>, "Ballay, Patrick (AADNC/AANDC)" <Patrick.Ballay@aadnc-aadnc.gc.ca>, Matthew Illaszewicz <Matthew.Illaszewicz@aadnc-aadnc.gc.ca>
Date: 4/28/2017 12:00 PM
Subject: RE: Urgent - Need to Update Comms Lines for NPC

I just had a long chat with Alice d'Anjou; she will lead and engage Matthew and Sylvain.

Cheers, Kim

From: Spencer Dewar [mailto:Spencer.Dewar@aadnc-aadnc.gc.ca]

Sent: Friday, April 28, 2017 11:38 AM

To: Gemmell, Laura (AADNC/AANDC); Vézina, Sylvain (AADNC/AANDC)

Cc: Bedard, David (AADNC/AANDC); Traynor2, Janice (AADNC/AANDC); Ballay, Patrick (AADNC/AANDC); Matthew Illaszewicz;

Pawley, Kim (AADNC/AANDC)

Subject: Re: Urgent - Need to Update Comms Lines for NPC

Hello,

Can we keep Matthew Illaszewicz, Mgr of regional comms in the loop.

Thanks

>>> Laura Gemmell <laura.gemmell@aadnc-aadnc.gc.ca<mailto:laura.gemmell@aadnc-aadnc.gc.ca>> 4/27/2017 6:52 PM >>>

Hi Sylvain,

David Bedard has sent you some background information in relation to the Nunavut Planning Commission. We have been given a deadline by tomorrow (April 28) to respond to a supplementary funding request in relation to an amendment to the Baffinland Land Use Plan and a second deadline of May 5 for supplementary funding in relation to the Draft Nunavut Land Use Plan. [REDACTED]

Would you be able to update our media lines on NPC please in collaboration with the Comms Advisers in NAO and the Nunavut Regional Office.

David will call you early tomorrow to provide additional information.

Very sorry for the rush on this. Thank you very much and please let us know if you have any questions.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Spencer Dewar
To: MacDonald2, Allan (AADNC/AANDC); Bedard, David (AADNC/AANDC); Traynor2, Janice (AADNC/AANDC); Gemmell, Laura (AADNC/AANDC); Hopkins, Mark (AADNC/AANDC); David Rochette; PRICE2, JOHN (AADNC/AANDC); Pawley, Kim (AADNC/AANDC)
Cc: Lori Tagoona
Subject: Fw: NTI's draft response
Date: Wednesday, June 14, 2017 12:25:26 PM
Attachments: image002.png
2017-06-14-Response-Ltr-to-NPC.docx

FYI

Sent from my BlackBerry 10 smartphone on the Bell network.

From: [REDACTED]@tunngavik.com>
Sent: Wednesday, June 14, 2017 12:07 PM
To: Spencer Dewar; arobinson@GOV.NU.CA
Subject: NTI's draft response

Description: Description: Description: Description: Description: Description: Description: NTI Header



Ullaakkut.

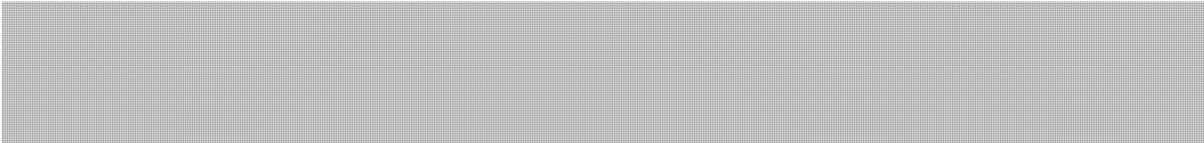
Here's the final version going up for approval today.



UNCLASSIFIED**THE DEVELOPMENT OF THE DRAFT NUNAVUT LAND USE PLAN**

Information note for the Regional Director General

DATE: September 17, 2015**SUMMARY**

- The Nunavut Planning Commission is an institution of public government with authorities and powers set forth in the Nunavut Land Claims Agreement and reinforced in the Nunavut Planning and Project Assessment Act. The Commission is responsible for leading the development of land use plans in the Nunavut Settlement Region.
- AANDC, as the lead federal department responsible for Land Use Planning in Nunavut, has led the Government of Canada's input throughout the development of the Draft Nunavut Land Use Plan through the Federal Nunavut Land Use Planning Working Group led by the Nunavut Regional Office.
- 
- The process to develop the current Nunavut Land Use Plan began in 2007. The Commission released the fourth draft of the Nunavut Land Use Plan (Plan) for review in June 2014. The broad issues include: (1) the Plan's approach to protecting caribou calving and post-calving areas and the resulting impact to development opportunities; (2) the need for protection or "grandfathering" of pre-existing mineral tenure; (3) the Plan's approach to permitting or prohibiting terrestrial and marine transportation corridors; (4) determining whether the Plan accurately reflects the input, values, and expectations of communities in Nunavut; and, (5) land use designations which prohibit land uses on Inuit-owned lands.
- The Commission has indicated they want to hold the public hearing this fiscal year and have suggested both November 2015 and March 2016 as potential dates for the public hearing. In a letter delivered August 19, 2015, AANDC, on behalf of the Government of Canada, has requested that before proceeding to a public hearing the Commission: 1) provide a revised workplan to outline steps remaining in the development of the plan, 2) resolve outstanding concerns with the draft plan and obtain agreement of approving parties, and 3) revise the draft plan and redistribute 60 days in advance of a public hearing.

BACKGROUND

- The development of the Nunavut Land Use Plan is an obligation of the Nunavut Land Claims Agreement. The Plan is expected to improve investor confidence and improve regulatory certainty and efficiency in the Territory.

- The Commission initiated the development of the current Plan in 2007, and released the fourth version of the Plan in June 2014. Although each version has seen improvement, the Nunavut Regional Director General, on behalf of the Government of Canada, has provided feedback on each draft indicating that the Plan requires significant modification before it can be recommended for approval. The Commission has subsequently held two technical meetings open to the public in June 2015 and July 2015. During these sessions participating parties outlined their concerns with the Plan, identified the larger issues requiring further discussion, and initiated focused discussion on aspects of these issues.
- The Commission originally scheduled a public hearing on the current draft Plan for November 2014 and submitted a funding request of \$1.7 million to conduct this hearing. No funding was provided and AANDC maintains that the Commission's core funding is to be used for public hearings.
- The Commission cancelled the public hearing and filed a Judicial Review against Canada alleging that Canada made the decision to delay funding to the Commission for a public hearing. The Commission subsequently discontinued its application for Judicial Review in June 2015.
- In May 2015, the Commission submitted a request for \$1.2 million in addition to the \$1.2 million already allocated, for a public hearing on the Plan to occur in 2015-2016. The Commission would like \$1.2 million in addition to the \$1.2 million already allocated within their budget for the 2015-2016 fiscal year. [REDACTED]
- AANDC initiated an audit of the Commission's finances on July 14, 2015 to determine whether allocated funding during the previous three fiscal years (2012-13, 2013-14 and 2014-15) was expended in accordance with the terms and conditions of the funding agreements.
- The Federal Working Group has continued its review of the Plan since its release in June 2014 in preparation for submissions to the Commission and an eventual public hearing.

CONSIDERATIONS

- Canada provided the Commission with a submission outlining its comments and recommendations on the Plan. During the technical meetings, some issues were identified as requiring further analysis and discussion both internally and between approving parties (Government of Canada, the Government of Nunavut, and Nunavut Tunngavik Incorporated). Further recommendations and guidance to the Commission will likely be required on major outstanding issues.
- The Commission received a large volume of submissions on the Plan and this will take time to review comprehensively. [REDACTED]

[REDACTED] The Commission is holding a board meeting at the end of September 2015 which should provide direction on how they intend to proceed.

s.21(1)(a)

s.21(1)(b)

s.21(1)(c)

UNCLASSIFIED

- [REDACTED]
- [REDACTED]
- [REDACTED] Northern media has followed issues surrounding the Commission closely, and the Commission has publicly commented on financial issues numerous times.
- [REDACTED]

NEXT STEPS

- AANDC, on behalf of Canada, will be discussing outstanding issues with approving parties in an attempt to resolve concerns and indicate required revisions to the Commission. This will be led by the Region.
- The Commission is holding a board meeting at the end of September 2015 which should provide direction on how they intend to proceed.

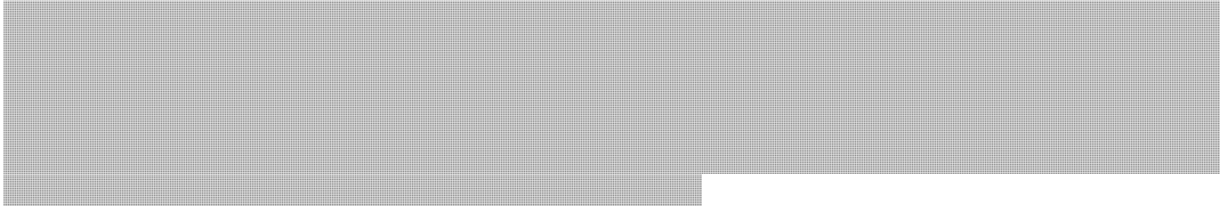
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THE DEVELOPMENT OF THE DRAFT NUNAVUT LAND USE PLAN

Information note for the Regional Director General

DATE: November 12, 2016

SUMMARY

- The Nunavut Planning Commission is an institution of public government with authorities and powers set forth in the Nunavut Land Claims Agreement and reinforced in the Nunavut Planning and Project Assessment Act. The Commission is responsible for leading the development of land use plans in the Nunavut Settlement Region.
- AANDC, as the lead federal department responsible for Land Use Planning in Nunavut, has led the Government of Canada's input throughout the development of the Draft Nunavut Land Use Plan through the Federal Nunavut Land Use Planning Working Group led by the Nunavut Regional Office.
- 
- The Commission released the most recent draft Nunavut Land Use Plan (Plan) for review in June 2014. There were subsequent technical meetings related to reviewing the draft plan in June and July 2015.
- The broad issues amongst the planning parties include: (1) the Plan's approach to protecting caribou calving and post-calving areas and the resulting impact to development opportunities; (2) the need for protection or "grandfathering" of pre-existing mineral tenure; (3) the Plan's approach to permitting or prohibiting terrestrial and marine transportation corridors; (4) determining whether the Plan accurately reflects the input, values, and expectations of communities in Nunavut; and, (5) land use designations which prohibit land uses on Inuit-owned lands.
- On August 19, 2015, AANDC, on behalf of the Government of Canada, wrote to the Commission requesting that before proceeding to a public hearing the Commission: 1) provide a revised work plan to outline steps remaining in the development of the plan, 2) resolve outstanding concerns with the draft plan and obtain agreement of approving parties, and 3) revise the draft plan and redistribute 60 days in advance of a public hearing (ANNEX A).
- On October 5, 2015, the Commission responded that they would make revisions to the draft plan and is committed to holding a Public Hearing in 2016 – 2017. The Commission estimates that the Public Hearing will cost \$2.4 million and has allocated \$1.2 million from their core budget. They have requested access to

UNCLASSIFIED

additional funding from our department (TAG) to proceed.

BACKGROUND

- The development of the Nunavut Land Use Plan is an obligation of the Nunavut Land Claims Agreement. The Plan is expected to improve investor confidence and improve regulatory certainty and efficiency in the Territory.
- The Commission initiated the development of the current Plan in 2007, and released the fourth version of the Plan in June 2014. Although each version has seen improvement, the Government of Canada, has provided feedback on each draft indicating that the draft Plan requires modifications before it can be recommended for approval.
- The Commission has held two technical meetings open to the public in June 2015 and July 2015. Outstanding issues amongst the parties: (1) the Plan's approach to protecting caribou calving and post-calving areas and the resulting impact to development opportunities; (2) the need for protection or "grandfathering" of pre-existing mineral tenure; (3) the Plan's approach to permitting or prohibiting terrestrial and marine transportation corridors; (4) determining whether the Plan accurately reflects the input, values, and expectations of communities in Nunavut; and, (5) land use designations which prohibit land uses on Inuit-owned lands.
- The Commission originally scheduled a public hearing on the current draft Plan for November 2014 and submitted a funding request of \$1.7 million to conduct this hearing. No funding was provided due to a lack of information provided by the Commission AANDC has also informed the Commission that its core funding is to be used for public hearings.
- The Commission cancelled its planned 2014 public hearing and filed a Judicial Review against Canada alleging that Canada made the decision to delay funding to the Commission for a public hearing. The Commission subsequently stayed its application for Judicial Review in June 2015.
- In May 2015, the Commission submitted a request for \$1.2 million, in addition to the \$1.2 million already allocated within its budget for the 2015-2016 fiscal year, for a public hearing on the Plan to occur in either 2015 or 2016. [REDACTED]
- AANDC initiated an audit of the Commission's finances on July 14, 2015 to determine whether allocated funding during the previous three fiscal years (2012-13, 2013-14 and 2014-15) was expended in accordance with the terms and conditions of the funding agreements.

UNCLASSIFIED

- The Federal Working Group has continued its review of the Plan since its release in June 2014 in preparation for submissions to the Commission and an eventual public hearing.

CONSIDERATIONS

- Canada provided the Commission with a submission outlining its comments and recommendations on the Plan. During the technical meetings, some issues were identified as requiring further analysis and discussion both internally and between approving parties (Government of Canada, the Government of Nunavut, and Nunavut Tunngavik Incorporated). Further recommendations and guidance to the Commission will likely be required on major outstanding issues.

-

- The Commission has expressed on several occasions that if it does not receive adequate funding, its capacity will be greatly limited. Northern media has followed issues surrounding the Commission closely, and the Commission has publicly commented on financial issues numerous times. In the 2015-2016 fiscal year, along with the other four Institutions of Public Government, the Commission received a 25% increase to its overall funding.

-

NEXT STEPS



- AANDC, on behalf of Canada, will be discussing outstanding issues with approving parties in an attempt to resolve concerns and indicate required revisions to the Commission. This will be led by the Region.
- Implementation Branch, AANDC, will continue to meet with the Commission regarding allocation of core funds as well as access to additional funding.
- The Commission has indicated that in December 2015, NPC will present to their Board a paper outlining changes as recommended via the technical meetings held in June / July 2015.
- If approved by the Board, NPC will release this document publicly and hold a technical meeting with the stakeholders in January 2016.
- After the technical meeting NPC will revise/refine the draft Plan for public release in Spring 2016.
- Pending funding the Commission intends to schedule a Public Hearing for Fall 2016.

UNCLASSIFIED

*Released under the Access
to Information Act*

*Communiqué en vertu de la
Loi sur l'accès à*

From: Paul Fraser
Sent: 4/11/2016 7:39:09 AM
To: Ceporah.Kilabuk@aandc-aadnc.gc.ca; [REDACTED]@gmail.com
[REDACTED]@graybeard.ca; [REDACTED]@nirb.ca; sehaloak@nunavut.ca; [REDACTED]@nwb-
oen.ca; [REDACTED]@nwb-oen.ca; [REDACTED]@nwmb.com
CC:
BCC:
Subject: Fwd: Leaving Implementation Branch


 Leaving
plementation Bran
FYI = A Big Loss TEXT.htm



**Department of Justice
Canada**

Northern Regional Office
2nd Floor, Nova Plaza
5019 – 52nd Street
PO Box 2052
Yellowknife, NT X1A 2P5

**Ministère de la Justice
Canada**

Bureau régional du Nord
2^{ième} étage, édifice Nova Plaza
5020 – 52^{ième} rue
CP 2052
Yellowknife TN-O X1A 2P5

Phone/Téléphone: (867) 445-2519
Email/courriel: ken.landa@justice.gc.ca

File Number: 5223932

December 15, 2016

Mr. Andrew Nakashuk, Chairperson
Nunavut Planning Commission
P.O. Box 1797
Iqaluit, Nunavut
X0A 0H0

*By email c/o sehaloak@nunavut.ca
Original to follow*

Dear Chairperson Nakashuk:

Re: Filing and Service of an Expert Report on the Regulation of Harvesting

The purpose of this letter is to file the attached expert report. We sought additional direction on service in our letter of November 15, 2016. In the interim, we presume that this form of submission is sufficient to meet the requirements.

Yours truly,

Kenneth David Landa
Legal Counsel

Copies:

Alan Blair, counsel to the Commission
Marie Belleau, counsel, Nunavut Tunngavik Inc.
Adrienne Silk, counsel, Government of Nunavut



Department of Justice
Canada

Northern Regional Office
2nd Floor, Nova Plaza
5019 – 52nd Street
PO Box 2052
Yellowknife, NT X1A 2P5

Ministère de la Justice
Canada

Bureau régional du Nord
2^{ième} étage, édifice Nova Plaza
5020 – 52^{ième} rue
CP 2052
Yellowknife TN-O X1A 2P5

Phone/Téléphone: (867) 920-6002

Email/courriel: Lynn.Hjartarson@justice.gc.ca

File Number: 5223932

December 15, 2016

Mr. Andrew Nakashuk, Chairperson
Nunavut Planning Commission
P.O. Box 1797
Iqaluit, Nunavut
X0A 0H0

By email c/o sehaloak@nunavut.ca
Original to follow

Dear Chairperson Nakashuk:

Re: Expert Report – The Land Use Plan Cannot Directly Regulate Methods of Harvesting

This letter is the Government of Canada's legal submission on limitations on the Nunavut Planning Commission's ability to regulate methods of harvesting. It is provided as an expert report as that term is used by the Commission in this process. It is a response to the expert report filed by Ecojustice on behalf of the World Wildlife Fund–Canada on September 19, 2016, which is titled *Submissions on Behalf of WWF–Canada re 2016 Draft Nunavut Land Use Plan and Regulation of Bottom Trawling*. A statement of the author's qualifications is provided separately.

Brief Conclusions

- We respectfully disagree with important parts of Ecojustice's analysis and with their conclusion that a land use plan can regulate bottom-trawling as a land use.
- Under the *Nunavut Agreement*, a land use plan cannot contain prohibitions or terms and conditions that are intended to create limitations on methods of harvesting or other "non-quota limitations" on harvesting.

Background

As required by the *Nunavut Agreement* (section 10.2.1) the core features of Articles 10, 11 and 12 of the *Nunavut Agreement* were rendered into the *Nunavut Planning and Project Assessment Act*. Core features of Article 5 of the *Nunavut Agreement* have been integrated into the territorial *Wildlife Act* and the federal *Species at Risk Act*, and fisheries are managed under the *Fisheries Act* in accordance with the fisheries management regime set out in Article 5.

Despite the existence of this implementing legislation, because the Ecojustice report raises a question of jurisdiction, we have conducted this analysis on the basis of the *Nunavut Agreement* alone. This is because the *Nunavut Agreement* is paramount over all legislation in case of conflict or inconsistency (*Nunavut Land Claims Agreement Act*, section 6).

Canada

Analysis

As noted in the Ecojustice submission, the *Nunavut Agreement* establishes the Nunavut Wildlife Management Board as an institution of public government (section 5.2.1) and gives it a primary responsibility for wildlife management in the Nunavut Settlement Area:

<p>Recognizing that Government retains ultimate responsibility for wildlife management, the NWMB shall be the main instrument of wildlife management in the Nunavut Settlement Area and the main regulator of access to wildlife and have the primary responsibility in relation thereto in the manner described in the Agreement. Accordingly, the NWMB shall perform the following functions:</p> <p>...</p> <p>(k) establishing, modifying or removing non-quota limitations (Sections 5.6.48 to 5.6.51)...;</p> <p>...; and</p> <p>(m) any other function the NWMB is required to perform by the Agreement and not specifically referred to in this Section.</p> <p>(<i>Nunavut Agreement</i>, section 5.2.33)</p>	<p>Reconnaissant que le Gouvernement demeure, en dernier ressort, responsable de la gestion des ressources fauniques, le CGRFN constitue le principal mécanisme de gestion des ressources fauniques dans la région du Nunavut et de réglementation de l'accès à ces ressources, et il assume la responsabilité première à cet égard de la manière prévue par l'Accord. En conséquence, le CGRFN accomplit les fonctions suivantes :</p> <p>[...]</p> <p>k) établir, modifier ou supprimer les limites non quantitatives (articles 5.6.48 à 5.6.51);</p> <p>[...]</p> <p>m) remplir les autres fonctions qui lui incombent aux termes de l'Accord et qui ne sont pas expressément prévues au présent article.</p> <p>(<i>L'Accord Nunavut</i>, article 5.2.33)</p>
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Unless Article 5 of the *Nunavut Agreement* provides otherwise, the Nunavut Wildlife Management Board has exclusive authority to regulate methods of harvesting in the Nunavut Settlement Area:

<p>Subject to the terms of this Article [5], the NWMB shall have sole authority to establish, modify or remove, from time to time and as circumstances require, non-quota limitations on harvesting in the Nunavut Settlement Area.</p> <p>(<i>Nunavut Agreement</i>, section 5.6.48)</p>	<p>Sous réserve des conditions prévues par le présent chapitre [5], le CGRFN a le pouvoir exclusif d'établir, de modifier ou de supprimer, selon les circonstances, les limites non quantitatives applicables aux activités de récolte dans la région du Nunavut.</p> <p>(<i>L'Accord Nunavut</i>, article 5.6.48)</p>
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The *Nunavut Agreement* defines “non-quota limitation” as including methods of harvest (section 5.1.1), removing any doubt as to whether methods of harvesting is a subject matter of exclusive jurisdiction (“sole authority”) for the Nunavut Wildlife Management Board, as covered by paragraph 5.2.33(k) of the *Nunavut Agreement*.

As a result of all of the above, we agree with the following passage from the Ecojustice report:

Since bottom trawling is a specific method of harvesting fish, it falls within the broad literal definition of a non-quota limitation. Accordingly, on a literal reading of Article 5.6.48, the NWMB will have sole authority to establish, modify or remove limitations on bottom trawling within the Nunavut Settlement Area unless one of the other terms of Article 5 provides otherwise (Ecojustice Expert Report, p. 4, underlining in original).

However we respectfully disagree with much of the reasoning that follows in the Ecojustice report.

Purposive Interpretation Supports Exclusive Jurisdiction

As noted in the Ecojustice submission, the *Nunavut Agreement* must be interpreted purposively. Among the purposes of the *Nunavut Agreement*, and among the express purposes of Article 5, are the following:

- i. Establishing a system of harvesting rights and privileges that avoids unnecessary interference in the exercise of the rights, priorities and privileges to harvest (see section 5.1.3(a)(v)); and
- ii. Creating a wildlife management system that enables and empowers the Nunavut Wildlife Management Board to make wildlife management decisions (see section 5.1.3(b)(vi)).

From the first objective above, we see that the *Nunavut Agreement* seeks to avoid unnecessary interference with harvesting. From the second, we see that when interference with harvesting may be appropriate, as a starting point it should be the Nunavut Wildlife Management Board that is enabled and empowered to make the wildlife management decision.

To further these two objectives, the *Nunavut Agreement* centralizes the regulation of harvesting into a single scheme, with the Nunavut Wildlife Management Board at the heart. Since multiple regulatory schemes would increase the likelihood of regulation being more onerous than necessary, the parties to the *Nunavut Agreement* created a single scheme with the exclusive authority to regulate harvesting comprehensively.

This serves as crucial interpretive background, and explains why a regulator other than the Nunavut Wildlife Management Board is prevented from regulating harvesting (*i.e.*, limiting regulatory interference with harvesting), and why the Nunavut Wildlife Management Board has “sole authority” to do so (*i.e.*, enabling and empowering that particular institution do so in accordance with Article 5).

Therefore, when regulating harvesting – including regulating particular methods of harvesting as a land use –, the *Nunavut Agreement* clearly allocates that function to the Nunavut Wildlife Management Board and the appropriate federal or territorial minister, as set out in Article 5.

Article 5 Does Not Support Plan-Based Non-Quota Limitations

Starting at the top of page 5, the Ecojustice report points at elements of the Article 5 scheme in an attempt to demonstrate that the Nunavut Wildlife Management Board’s jurisdiction is not as exclusive as section 5.6.48 suggests. For instance, Ecojustice mentions that hunters and trappers organizations and regional wildlife organizations may regulate harvesting practices, and points out that “the Government of Canada retains ultimate responsibility for wildlife management in the context of fish species” (p. 5). However, these and other features of Article 5 do not erode the “sole authority” established by section 5.6.48.

The reason we say this is because in its opening words section 5.6.48 has an explicit acknowledgement that the exclusivity of the Nunavut Wildlife Management Board’s authority will be narrowed by other sections of Article 5. Narrowing or shaping of the Board’s jurisdiction within Article 5 is of no assistance in establishing the controversial proposition that sections from other Articles could limit this exclusivity.

To the contrary, the opening words of section 5.6.48 refer only to Article 5 as limiting the “sole authority” of the Board. This explicit reference to Article 5 excludes the rest of the *Nunavut Agreement*. It seems clear from reading this section that only provisions in Article 5 can set boundaries limiting the exclusivity of authority established in that section, not sections from other Articles.

The general interpretive provisions in the *Nunavut Agreement* require a contextual, purposive, and “fair, large and liberal” interpretation of the *Nunavut Agreement* as a whole to guide the interpretive process. But a purposive interpretation still provides no basis to set aside the explicit wording of section 5.6.48 on this point. As a general proposition, where there is no conflict or ambiguity to resolve, and no legal absurdity in the text, there is no basis to depart from the text.

When interpreting Articles 5 and 11 together, we see that the exclusive authority of the Nunavut Wildlife Management Board is supported by Article 11 of the *Nunavut Agreement*, which states:

Land use plans shall be developed and implemented in a manner consistent with Articles 5 and 7. <i>(Nunavut Agreement, section 11.8.1)</i>	Les plans d'aménagement du territoire doivent être élaborés et mis en œuvre conformément aux chapitres 5 et 7. <i>(L'Accord Nunavut, article 11.8.1)</i>
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Although this provision refers to the development and implementation of a plan, and not the plan's contents, a purposive reading suggests that "development" and "implementation" in this context mean the development process, content, interpretation and application of the plan. It would be absurd if the development process and implementation of the plan had to be consistent with Articles 5 and 7, but the plan's contents did not. Therefore this section complements section 5.6.48 by confirming that there is a hierarchy of sorts. Section 5.6.48 limits the jurisdiction that the Commission would otherwise hold if Article 11 were read on its own, and section 11.8.1 acknowledges and respects that limit as applying to both the planning process and plan implementation.

We agree with the observation that the Nunavut Planning Commission "has a clear authority to address environmental protection issues, including those relating to wildlife conservation and habitat" (Ecojustice Report, p. 6). However it is not an unlimited authority. Section 5.2.33 puts an explicit and clear limit on this authority by preventing the Commission (or anyone else not authorized by Article 5) from establishing a non-quota limitation on harvesting.

In a number of places, the authors of the Ecojustice Report refer to laws of general application, and point out that in some cases laws of general application can affect harvesting methods. While this is true, this depends on the law of general application:

- (i) having been validly enacted;
- (ii) not contravening a provision of the *Nunavut Agreement*; and
- (iii) not having its application read down on the basis of the *Nunavut Agreement*, with the effect that it does not apply to some or all harvesters.

With respect, for the reasons explained above, plan provisions that purport to create prohibitions on methods of harvesting that are "effectively non-quota limitations" would not be validly enacted and would contravene the *Nunavut Agreement*. The Ecojustice report does not point to any exception that would "save" such provisions.

We respectfully disagree with the following passage of the Ecojustice report:

[R]elying on Article 5.7.42(c) and Article 5.2.36, harvesting methods that result in harmful alteration of the environment or habitat can be restricted by other agencies. Such restrictions are not within the exclusive jurisdiction of the NWMB and can be included in a land use plan (Ecojustice Report, p. 8).

In our view, the passage misconstrues both the provisions it cites, for the reasons explained below.
The first provision, section 5.7.42(c) is not of any assistance in this context. That section states:

<p>An Inuk or assignee ... may employ any type, method or technology to harvest pursuant to the terms of this Article that does not:</p> <p>...; or</p> <p>(c) result in harmful alteration to the environment.</p> <p>(<i>Nunavut Agreement</i>, section 5.7.42(c))</p>	<p>Un Inuk ou un cessionnaire visé à l'alinéa 5.7.34a) peut, dans l'exercice des activités de récolte prévues par le présent chapitre, utiliser des méthodes ou moyens techniques qui :</p> <p>[...]</p> <p>c) n'entraînent pas de modification préjudiciable à l'environnement.</p> <p>(<i>L'Accord Nunavut</i>, article 5.7.42(c))</p>
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The section creates a constitutionally protected right for an Inuk or an assignee to choose a method of harvesting, and puts or preserves some limitations on that right. However, it is clear that this provision does not create or expand the jurisdiction of any regulator to establish non-quota limitations on harvesting – the provision is a limit on regulation, not an enabler of regulation. The provision does not enable the Commission to establish non-quota limitations on harvesting, because nothing in the provision over-rides the limit on the Commission's jurisdiction created by section 5.6.48.

Similarly, the second provision cited by Ecojustice, section 5.2.36, also does not establish or expand the jurisdiction of any regulator to establish non-quota limitations on harvesting:

<p>While habitat management and protection is an integral function of wildlife management, and as such is commensurate with the NWMB's responsibilities for wildlife matters, primary responsibility for the management of lands, including flora, shall be exercised by the appropriate government agencies and such other related bodies as may be established in the Agreement.</p> <p>(<i>Nunavut Agreement</i>, section 5.2.36)</p>	<p>Même si la gestion et la protection des habitats sont des activités qui font partie intégrante de la gestion des ressources fauniques et qu'à ce titre elles sont compatibles avec les responsabilités du CGRFN à l'égard des questions touchant ces ressources, la responsabilité première en ce qui a trait à la gestion des terres, y compris de la flore, appartient aux organismes gouvernementaux compétents et aux autres organismes connexes établis par l'Accord.</p> <p>(<i>L'Accord Nunavut</i>, article 5.2.36)</p>
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Section 5.2.36 does not enable the Commission to establish non-quota limitations on harvesting, because nothing in the provision over-rides the limit on the Commission's jurisdiction created by section 5.6.48. This provision recognizes habitat management and protection as a function shared among several bodies. The provision designates the Nunavut Wildlife Management Board as one such body, since habitat management and protection is integral to wildlife management, and habitat may be impacted by wildlife harvesting activities.

Bodies other than the Nunavut Wildlife Management Board have important roles to play because wildlife habitat can of course be impacted by land uses other than wildlife harvesting activities. The Commission is clearly one of those bodies with a role to play, as is made explicit in sections 11.2.3(d) and 11.3.1(g), both requiring the Commission to take wildlife habitat into account. However, the Commission's authority – the role of the land use planning regime – is limited to imposing prohibitions and terms and conditions on land uses other than wildlife harvesting activities.

Since bottom trawling fishing is a wildlife harvesting activity, it falls within the sole authority of the Nunavut Wildlife Management Board to consider and assess whether it would be appropriate to regulate this activity, within the framework of Article 5, with regards to the impact it might have on wildlife habitat. The Commission cannot include prohibitions or terms and conditions in a land use plan that are intended to create limitations on this activity.

Conclusion

Having reviewed the relevant provisions of the *Nunavut Agreement*, and having given careful consideration to all the provisions referred to and analyzed in the Ecojustice report, we see nothing that suggests that anything in Article 5 permits a land use plan to contain prohibitions on methods of harvesting, including bottom-trawling, that are "effectively non-quota limitations".

On the basis of our analysis, it becomes clear that a land use plan cannot contain prohibitions or terms and conditions that are intended to create limitations on methods of harvesting or other "non-quota limitations" on harvesting. Such a plan would be inconsistent with the text of both Articles 5 and 11, and with the stated purposes for Article 5, which includes the creation of a wildlife management system that enables and empowers the Nunavut Wildlife Management Board to make wildlife management decisions. To the extent wildlife harvesting activities may present issues requiring consideration and possibly regulation, they are to be raised with the Nunavut Wildlife Management Board within the framework of Article 5 of the *Nunavut Agreement*.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Lynn Hjartarson', written over a horizontal line.

Lynn Hjartarson
Regional Director General

Page 39

**is withheld pursuant to section
est retenue en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

UNCLASSIFIED - G11572

FINANCIAL MANAGEMENT OF THE NUNAVUT PLANNING COMMISSION
Box Decision by the Minister

DATE: May 4, 2017

SUMMARY

-
-

RECOMMENDATION

-

Deputy Minister/
Associate Deputy Minister: _____ Date: _____

☐

I concur

☐

I do not concur

☐

I wish to discuss further

Minister: _____ Date: _____

ANNEX A: Letter to Nunavut Planning Commission Chair Mr. Andrew Nakashuk

UNCLASSIFIED - G11572

INFORMATION BLOCK

Kim Pawley/NAO/NRE/819-994-7110
May 4, 2017

**Pages 42 to / à 44
are withheld pursuant to section
sont retenues en vertu de l'article**

21(1)(a)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

From: Matthew Illaszewicz
To: Karen Costello
Date: 7/31/2017 9:54 AM
Subject: COMMS - 1718 - BAFFINLAND, NPC AND NLUP MEDIA LINES
Attachments: IQALUIT-1166173.DOCX.DRF

Hi Karen,

Attached are the Baffinland media lines.

David has them and is planning to review the media lines.

However I want to share them with you.

Please have a look and make changes were required.

Alice at HQ Comms has already reviewed them.

Thanks,

Matthew

From: Alice D'Anjou
To: Belair, Marianne; Freeborn, Karl; Gemmell, Laura; Guibert, Geneviève; Illaszewicz, Matthew; Pawley, Kim; Sinclair, James
Date: 9/16/2017 9:36 AM
Subject: FINAL approved consolidated ML for NPC
Attachments: NCR-#10052518-v7-NAO-ML_-NPC_AND_NLUP_CONSOLIDATED_SEPT_2017.docx

Hi all - thanks for all the input on this one. We had one final change requested by TAG last night, the final version is attached for your reference.

Cheers
Alice

Alice d'Anjou
Sr. Communications Advisor, Communications
Conseillère principale en communications
Affaires Autochtones et du Nord Canada
Indigenous and Northern Affairs Canada
(613) 790-6972
alice.danjou@aandc-aadnc.gc.ca

From: Alice D'Anjou
To: Illaszewicz, Matthew
CC: Béchard, Pierre; Dumoulin, Jo-Anne; Kennedy, Erin; Kenny, Timothy; Puddu, Corrado
Date: 7/27/2017 5:55 PM
Subject: For action: updated NPC media lines
Attachments: NCR-#9937122-v1-NAO-ML-NPC_and_NLUP_Updated_July_2017.DOCX

Hi Matthew - a few suggestions, mostly to tighten and capture all the issues in one place.

Please run through your regional approvals then send to TIM who will run NHQ approvals.

TIM please make sure that Audit and Evaluation (Mike Self) approve. You may want to add an if asked line about what triggered this updated financial review? Mike can provide some good previously approved language around how we make these decisions, receive allegations, etc.

If you run into challenges Erin is well versed in NPC issues she can probably lend a hand.

Looping in Corrado in case this runs into next week.

Matthew, I am leaving you in good hands!

Cheers
Alice

Alice d'Anjou
Sr. Communications Advisor, Communications
Conseillère principale en communications
Affaires Autochtones et du Nord Canada
Indigenous and Northern Affairs Canada
(613) 790-6972
alice.danjou@aandc-aadnc.gc.ca

From: Matthew Illaszewicz <matthew.Illaszewicz@aandc-aadnc.gc.ca>
To: Edith.Pedneault@aandc-aadnc.gc.ca
Date: 3/22/2017 4:04 PM
Subject: Fw: media scan NPC's NLUP hearings

Let's monitor media coverage of the hearings.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Karen Costello <Karen.Costello@aandc-aadnc.gc.ca>
Sent: Wednesday, March 22, 2017 3:46 PM
To: Krista Henriksen
Cc: Kim Pawley; Spencer Dewar; Matthew Illaszewicz
Subject: media scan NPC's NLUP hearings

Hi Krista,

After NMS Extended I mentioned to Matthew Illaszewicz the ADM's interest in being kept abreast of local media coverage of the hearings. Comms will do what they can to monitor.

I had asked Matthew to send to you. At this time I suggest it got to Spencer and Kim as well. It is likely that Mark will be sending updates to the ADM as appropriate.

Karen

From: Matthew Illaszewicz
To: Alice D'Anjou
Date: 7/27/2017 8:49 AM
Subject: IQALUIT-#1166173-v1-COMMS_-_1718_-_BAFFINLAND_NPC_AND_NLUP_MEDIA_LINES
Attachments: IQALUIT-#1166173-v1-COMMS_-_1718_-_BAFFINLAND_NPC_AND_NLUP_MEDIA_LINES.docx

Hi Alice,

Attached are the media lines for Baffinland's request to the Nunavut Planning Commission.

Please review them.

After you've had a look at them I'll get the RDG's approval.

Have a great day,

Matthew

INDIGENOUS AND NORTHERN AFFAIRS CANADA MEDIA LINES

(Not for external distribution - for use by spokespersons)

ISSUE: Completion of Nunavut Planning Commission financial review conducted by Indigenous and Northern Affairs Canada (August 4, 2016).

KEY MESSAGES

- The goal of this review was to provide an independent and objective opinion that Indigenous and Northern Affairs Canada (INAC) funding allocated to the Nunavut Planning Commission (NPC) was spent in accordance with the terms and conditions of the funding agreement.
- The review period covered three fiscal years: 2012-2013; 2013-14; and 2014-15.

If asked for more details about the financial review:

- Each year, INAC conducts a number of audits and financial reviews of programs and organizations that receive funds from the Department. These are an established practice and the right to audit is established in all funding agreements signed with INAC.
- Financial reviews are conducted by independent auditors to provide assurance of a recipient's compliance with the terms and conditions of a funding agreement administered by the Department.

If asked if this review was prompted by/requested by Premier Taptuna (or any other external influence)

- This was an independent decision made by INAC.

If asked if this review was prompted by allegations/concerns about mis-spending by the Commission:

- Any allegations or concerns that INAC was aware of would have been brought to the attention of the firm conducting this review.

If asked about Nunavut Planning Commission funding:

- The Government of Canada has invested over \$55M in core funding for the NPC since the 2001-2002 fiscal year.

- On May 4, 2015, the Government of Canada announced a 25% increase in funding for the NPC, from 2013 to 2023, as part of the litigation settlement with Nunavut Tunngavik Inc. As a result, the NPC received \$7.2 M in funding in the 2015-2016 fiscal year, and will receive ongoing annual funding of approximately \$5.3M.

If asked for more detail about the funding increase resulting from the NTI litigation settlement, announced May 4, 2015:

- Funding increases for Institutions of Public Government are based on the current and projected work of each IPG as requested by and assessed for each IPG annually.

BACKGROUND

Indigenous and Northern Affairs Canada (INAC) conducted a financial review of the Nunavut Planning Commission (NPC). It was completed in 2016.

Under the Nunavut Land Claims Agreement, the Nunavut Planning Commission (NPC) is responsible for preparing land use plans, with the active participation of the federal and territorial governments, Inuit organizations, community members and other stakeholders.

In July 2014, the NPC applied to the Federal Court for a Judicial Review of its funding. This action was put in abeyance early in 2015 when the NTI litigation settlement was being finalized, as the two actions dealt with similar issues. The May 4, 2015, NTI settlement included a 25% increase in annual funding for the NPC.

Communications Officer: Erin Kennedy, Communications Officer, 819-360-5708

APPROVALS

Kim Pawley, Manager EA and Land Use Planning - August 5, 2016

Patrick Ballay, Sr. Negotiator and A/Director TAG - FYI

Bruno Steinke, Director, TAG - FYI

Alice d'Anjou, A/Manager NAO Communications – August 5, 2016

Kurt West, LMRB – August 8, 2016

Catherine Conrad, A/DG NREB – August 9, 2016

Stephen Van Dine, ADM NAO – August 10, 2016

Anne Scotton, CAEE – August 4, 2016

Lesia Manchulenko, A/DG Communications – August 10, 2016

DMO – FYI

MINO –

Updated September, 2016

Docket # 25

**INDIGENOUS AND NORTHERN AFFAIRS CANADA
ANTICIPATORY MEDIA LINES
(Not for external distribution - for use by spokespersons)**

ISSUE: Status of the draft Nunavut Land Use Plan (September 2016).

KEY MESSAGES – NLUP Process

- The Nunavut Planning Commission (NPC) released a draft Nunavut Land Use Plan on June 23, 2016.
- Indigenous and Northern Affairs Canada (INAC) and other federal departments are reviewing the latest draft of the NLUP.
- Copies of all documentation on the NLUP process, including INAC's comments, are available in the NPC Consultation Record.
- More information on the land use planning process is available on the NPC web site.

If asked: what are the other federal departments involved with the NLUP process?

- The Federal Land Use Planning Working Group has representation from Environment and Climate Change Canada, Department of Fisheries and Oceans, Transport Canada, Department of National Defense, Parks Canada and Natural Resources Canada.

KEY MESSAGES – FUNDING FOR THE NPC

- In 2016-2017, Canada is providing the Nunavut Planning Commission (NPC) with \$5,285,320 in core funding.
- Canada is also providing the NPC with an additional \$4,881,909 in supplemental funding in order to support the development of the Nunavut-wide Land Use Plan.
- The supplemental funding is to be used exclusively for the activities required to complete the Land Use Plan. These NPC activities include: two pre-hearing conferences, six regional community consultation sessions, and one final public hearing proposed for April 2017.

If asked: What is the status of the NPC Financial Review?

- INAC conducted a financial review of the NPC to provide an independent and objective opinion as to whether or not INAC funding has been spent in

Updated September, 2016

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accordance with the terms and conditions of the funding agreement. This review covered the last three fiscal years (2012-13, 2013-14 and 2014-15). The results have been shared with the NPC. No further action will be undertaken at this time.

If asked: will the results of the financial review be made public?

- The results have been shared with the NPC. No further action will be undertaken at this time.

BACKGROUND

The NPC initiated the development of the NLUP in 2007, and released the fifth version of the NLUP on June 23, 2016. INAC is working collaboratively with other federal departments and external partners and stakeholders to review and provide feedback on the most recent draft.

The Government of Canada has participated in five Technical meetings on the 2014 Draft NLUP which has informed the development of 2016 Draft NLUP. A number of issues were identified for consideration by participants at the technical meetings, which included INAC, other federal departments, the Government of Nunavut and Nunavut Tunngavik Incorporated, Regional Inuit Associations and Hunters and Trappers organizations.

The Federal Working Group is working diligently to complete a review of the current 2016 draft. Expert reports will be submitted and reviewed prior to the in person pre-hearing conference, scheduled for August 29 - 30, 2016 in Iqaluit.

The NPC expects to begin community consultation in the fall of 2016 with a final public hearing expected March/April 2017.

Environmental and land use planning issues are of high public interest in Nunavut, and are monitored closely by local/regional media. Various issues around the NPC have also generated sustained local/regional media coverage over the past two years.

Related documents/resources:

#7640429 – NPC CONSOLIDATED LINES

#7738019 – INAC (NU RDG) Letter to NLUP August 2015

#9197729 – Funding of the NPC

Communications Officer: Erin Kennedy, NAO Communications, 819-360-5708

APPROVALS

Spencer Dewar, A/Director of Lands and Contaminated Sites, NRO – Aug 5, 2016

Lise Normand, A/Manager Communications, NRO – Aug 5, 2016

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Alain Grenier, A/RDG, NRO – Aug 5, 2016
Kim Pawley, NAO, Manager, EA and LUP – Aug 8, 2016
Alice d'Anjou, A/Manager NAO Communications– August 8, 2016
Catherine Conrad, A/DG NREB – August 8, 2016
Stephen Van Dine, ADM NAO – August 12, 2016
Shirley Anne Off, A/DG Communications – August 15, 2016
DMO – FYI
MINO –

April 2017, 2016

Docket #

INDIGENOUS AND NORTHERN AFFAIRS CANADA ANTICIPATORY MEDIA LINES

(Not for external distribution - for use by spokespersons)

ISSUE: Nunavut Planning Commission's requests for supplemental funding for land use planning activities in 2017-2018 fiscal year.

KEY MESSAGES – FUNDING FOR THE NPC

- The Government of Canada has received the NPC's submission for additional funding for the 2017-2018 fiscal year.
- Departmental officials are currently reviewing the NPC's submissions and will be in touch with the NPC directly once this process has concluded.
- We expect final decisions will be made and shared with the NPC within the next few months.

If asked if INAC has discussed this issue with the NPC:

- Departmental officials are in regular contact with the NPC.

If asked if the department's refusal to provide supplementary funding is related in any way to the recent financial review of the NPC?

- No. The Financial review, conducted by INAC's Audit and Evaluation group, concluded in 2016. The results were shared with the NPC, no further action has been undertaken.
- Funding agreements are administered through separate, established processes.

If asked about previous funding for the NPC

- In 2016-2017, Canada provided the Nunavut Planning Commission (NPC) with \$5,285,320 in core funding.
- In 2016-2017, Canada also provided the NPC with an additional \$4,881,909 in supplemental funding in order to support the development of the Nunavut-wide Land Use Plan.
- This supplemental funding was to be used exclusively for the activities required to complete the Land Use Plan. These NPC activities include: two pre-hearing conferences, six regional community consultation sessions, and one final public hearing originally proposed for April 2017.

April 2017, 2016

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BACKGROUND

Environmental and land use planning issues are of high public interest in Nunavut, and are monitored closely by local/regional media.

The NLUP has been in development since 2007. Various issues around the development of the NLUP and administration of the NPC have generated periodic local/regional media coverage over the past few years.

The NPC had originally planned to begin community consultation on the draft NLUP in the fall of 2016, ending with a final public hearing in Iqaluit in March/April 2017.

Following the initial community consultations in late 2016 and early 2017, the NPC has now decided to hold several regional consultations in June/July 2017. They have requested supplemental funding in addition to their core funding to support this revised plan, as well as other land use planning activities.

Related documents/resources:

#7663103 – NPC and NLUP Media Lines April 2016

#9197729 – Funding of the NPC

Communications: Alice d'Anjou, Sr Communications Advisor, 613 790 6972

APPROVALS

Nunavut Region -
Kim Pawley, NAO, Manager, EA and LUP –
Helen Leslie, Manager NAO Communications -
Mark Hopkins, DG NREB –
Stephen Van Dine, ADM NAO –
Lesia Manchulenko A/DG Communications –
DMO – FYI
MINO –

From: Alice D'Anjou
To: Illaszewicz, Matthew; Pawley, Kim
Date: 4/28/2017 4:50 PM
Subject: NCR-#9709941-v1-NAO-ML-_NPC_Supplemental_Funding_April_2017
Attachments: NCR-#9709941-v1-NAO-ML-_NPC_Supplemental_Funding_April_2017.docx

And now it is attached!

Alice d'Anjou
Sr. Communications Advisor, Communications
Conseillère principale en communications
Affaires Autochtones et du Nord Canada
Indigenous and Northern Affairs Canada
(613) 790-6972
alice.danjou@aandc-aadnc.gc.ca

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**INDIGENOUS AND NORTHERN AFFAIRS CANADA
ANTICIPATORY MEDIA LINES
(Not for external distribution - for use by spokespersons only)**

Based on previously approved material (April/May 2017), refreshed September 2017.

ISSUE

Nunavut Planning Commission (NPC) – Consolidated lines on various issues: Role, funding, financial reviews, land use planning and implementation of the *Nunavut Planning and Project Assessment Act* (NuPPAA). (NAO/NU) (09/2017)

KEY MESSAGES

General

- The Government of Canada respects the role of the Nunavut Planning Commission (NPC) as one of the Institutions of Public Government created under the Nunavut Agreement.
- Under the Nunavut Agreement, the NPC is responsible for preparing land use plans, with the active participation of the federal and territorial governments, Inuit organizations, community members and other stakeholders.
- The NPC is the starting point for all project proposals in the Nunavut Settlement Area.
- For more detailed information please see the NPC web site.

Funding

- The Government of Canada is committed to working with the Nunavut Planning Commission (NPC) to ensure they have predictable, sustainable funding, so they can effectively execute their roles and responsibilities under the Nunavut Agreement.
- The Government of Canada has provided the NPC with over \$5.3M in core funding for the 2017-2018 fiscal year.
- In the 2016-2017 fiscal year, Canada provided the NPC with over \$5.2 M in core funding, and an additional \$4.9M in supplemental funding to support the further development of the Nunavut-wide Land Use Plan, including public hearings.

If asked about requests by the NPC for supplemental funding (general)?

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- Conversations between departmental officials and the NPC regarding supplementary funding requests are ongoing.

If asked what will happen to the Nunavut Land Use Plan (NLUP) if INAC does not approve the additional funding? The NPC has said that it cannot proceed without these additional funds?

- The Department has been working closely with the NPC throughout the Nunavut Land Use Plan (NLUP) development process, and will continue to do so. We are confident that mutually agreeable solutions can be found to the NPC's concerns through dialogue and negotiation.

If asked about NPC concerns around funding and other issues related to the amendment request for the North Baffin Regional Land Use Plan.

- The Government of Canada expects the NPC to carry out its duties in a fair, expeditious, and timely manner. Processing applications for land use plan amendments is a core function of the NPC.
- For information on the North Baffin Regional Land Use Plan and Baffinland Mary River expansion project proposal please see the NPC web site.

Financial Review

- The Department conducted a financial review of the Nunavut Planning Commission (NPC) in 2016. That review covered three fiscal years (2012-13, 2013-14 and 2014-15). The results were shared with the NPC, and a summary is available on the Departmental web site.

If asked: Is the Department conducting another review of the NPC's finances?

- Yes, the Department has notified NPC that it will be conducting a follow-up review of the Commission's finances for 2015-2016 and 2016-2017 to ensure that funding has been spent in accordance with the terms and conditions of its funding agreement.
- As the review has not yet started, no additional details are available at this time. Once the review is completed, the results will be shared with the NPC. Summaries of financial reviews are usually also made available on the Departmental web site. More information on Audit and Evaluation activities is available on the department's web site.

If asked why the department is conducting another review? Or, if the department's refusal to provide supplementary funding is related in any way to the 2016 financial review or the current review?

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- Promoting greater accountability, transparency and oversight in government operations is one of the Government of Canada's top priorities. Through audits, review and compliance monitoring the Department ensures the appropriate use of human and financial resources and that programs and services delivered and supported by the Department are relevant, efficient and effective.
- Discussions with the NPC on a number of issues, including financial management and planning processes, are ongoing.

Nunavut Land Use Plan/Development

- The Government of Canada remains committed to working with the Nunavut Planning Commission (NPC) and other partners to develop a Nunavut Land Use Plan (NLUP) that represents the vision and values of Nunavummiut and effectively guides and directs resource use and development decisions in the Nunavut Settlement Area.
- An approved Land Use Plan will guide development and conservation in Nunavut. This will improve investor confidence by adding regulatory certainty and efficiency. The NPC will be responsible for ensuring that all project proposals are compliant with the final, approved NLUP.

If asked about challenges with the planning process/disagreements between the NPC, federal partners and others:

- The Department has been working closely with the NPC throughout the NLUP development process, and continues to do so.
- We are confident that mutually agreeable solutions can be found to the NPC's concerns through dialogue and negotiation with the Commission, Inuit organizations and the Government of Nunavut.
- More information on the NLUP, including detailed information on the development process, is available on the [NPC website](#).

Implementation of the Nunavut Planning and Project Assessment Act

- The *Nunavut Planning and Project Assessment Act (the Act)* came into force on July 9, 2015. As the *Act* has been implemented over the past two years, questions have arisen about how certain sections should be interpreted.
- The Department is working closely with all the parties responsible for implementing the *Act* to ensure consistent interpretation and implementation of the legislation.

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If asked about a supplemental funding request from the NPC for implementation of NuPPAA:

- Implementing current legislation is a core function of the NPC. As such, duties related to NuPPAA should be covered under core funding received by the NPC.

BACKGROUND

Funding/Financial Review

Financial issues related to various Boards, Commissions and other public institutions are of high public interest in Nunavut, and are monitored closely by local/regional media. The 2016 financial review of the NPC generated sustained local/regional public and media interest.

The department's CAEE sent formal notice of a follow-up review to the NPC, in writing, on August 17, 2017. Environmental and land use planning issues are of high public interest in Nunavut, and are monitored closely by local/regional media.

Land Use Planning

The NLUP has been in development since 2007. Various issues around the development of the NLUP and administration of the NPC have generated periodic local/regional media coverage over the past few years.

The NPC received supplemental funding in 2016-2017 to support the completion of the NLUP. This was expected to include: two pre-hearing conferences, six regional community consultation sessions, and one final public hearing.

In the fall of 2016, the NPC held one pre-hearing conference, six regional community consultations sessions, and received written input from stakeholders. In March 2017, the NPC held a public hearing in Iqaluit. Following the Iqaluit public hearing, the NPC postponed subsequent hearings until planning parties could agree on a forward process. The NPC has requested additional supplemental funding this fiscal year to support additional regional hearings, as well as other land use planning activities. Discussions between the NPC, the Department and other planning partners are ongoing.

Baffinland Project Amendment Proposal

Until the NLUP is final, the Nunavut Planning Commission (NPC) implements two approved land use plans: the North Baffin Regional Land Use Plan (NBRLUP) and the Keewatin Regional Land Use Plan (KRLUP).

In March 2017, Baffinland submitted a proposal to the NPC to amend the NBRLUP to allow for expansion of its Mary River project. This proposal includes the addition of new

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transportation infrastructure and activities in the previously approved transportation corridor.

The NPC requested supplementary funding to support the review of Baffinland's proposal and delayed consideration until it received a response from INAC. INAC has advised the NPC that supplementary funding will not be provided for this activity. NPC has since issued a public notice regarding consideration of the amendment proposal. For more details please see the [NPC web site](#).

Implementation of the Nunavut Planning and Project Assessment Act

- The Nunavut Planning and Project Assessment Act (the Act) came into force on July 9, 2015. It clarified the responsibilities of Government, the Nunavut Planning Commission, the Nunavut Impact Review Board, and, indirectly, the Nunavut Water Board (the Institutions of Public Government).
- Implementation has been challenged by differences in interpretations of several clauses amongst the parties, the most significant of which is the belief of the Institutions of Public Government that an inconsistency exists between the Nunavut Agreement and the Act regarding the terms "project" and "project proposal."
- In May 2017, the signatories and the Institutions of Public Government held a workshop, which clarified areas of differing interpretation. Going forward, parties have agreed to further examine the issues to allow for consistent understanding and implementation.

DESIGNATED SPOKESPERSONS

Media Relations (or Regional Office)	Indigenous and Northern Affairs Canada
Media Inquiries Line Media Relations (819) 953-1160	PRIMARY SPOKESPERSON David Rochette, RDG, NU (897) 975-4501
Media Relations (Region)	Spokespersons
Matthew Illaszewicz A/Communications Manager (867) 975-4725	<u>Technical Support</u> Kim Pawley Manager, Environmental Assessment, Land Use Planning, and Conservation (NHQ) (819) 994-7110 Karen Costello Director, Resource Management (NU) (867) 975-4546

Communications: Alice d'Anjou, Sr. Communications Advisor, NAO/NHQ 613-204-1904

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APPROVALS:

Nunavut Region – September 15

Kim Pawley, Manager, NAO – Approved September 15, 2017

Mark Hopkins – DG, NAO – Approved Sept 15

Stephen Van Dine – ADM, NAO – FYI Sept 15

CAEE – Approved September 15, 2017

TAG – September 15, 2017

Lesia Manchulenko, Sr. Director Strategic Communications –

Peter Edwards, DG, Communications –

DMO (FYI) –

MINO -

From: Madalina Carlea
To: Alice D'Anjou
CC: Matthew Illaszewicz
Date: 4/28/2017 7:45 PM
Subject: Re: Draft NPC Press release

That`s perfect! Thanks Alice. I think as long as it gets to SVD and David Rochette at the same time we should be good to go. m

>>> Alice D'Anjou 2017-04-28 4:43 PM >>>
You got everything you need for tonight?

NRO should see it. Matthew. Illaszewicz is. Comms manager, have been ccing him but not sure if he is on line.

David Rochette is RDG, will send him a heads up and intro you shortly.

Others I think you have?

>>> Madalina Carlea <Madalina.Carlea@aadnc-aadnc.gc.ca> 4/28/2017 7:27:17 PM >>>
I think you are right! Too much info to have the NR too. I'll keep an eye out for Kim's approval and then send it along. Thanks Alice!

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Alice D'Anjou
Sent: Friday, April 28, 2017 4:14 PM
To: Madalina Carlea
Subject: Fw: Draft NPC Press release

<!--[if mso 9]--><!--[endif]--> What do you think?

>>> "Pawley, Kim (AADNC/AANDC)" <kim.pawley@canada.ca> 4/28/2017 4:45:16 PM >>>

NPC provided this to Dan Pudjak.

From: Mark Hopkins [mailto:Mark.Hopkins@aadnc-aandc.gc.ca]
Sent: Friday, April 28, 2017 4:39 PM
To: Pawley, Kim (AADNC/AANDC)
Subject: Fwd: FW: Draft Press release

>>>

From:
Stephen Van Dine

To:
Hopkins, Mark; Stevenson, Sandra

Date:
4/28/2017 4:32 PM

Subject:
Fwd: FW: Draft Press release

-----Embedded Message-----

From: "Pudjak, Daniel (AADNC/AANDC)" <daniel.pudjak@canada.ca> <daniel.pudjak@canada.ca>
To: Stephen Van Dine <Stephen.VanDine@aadnc-aandc.gc.ca>
Sent: Fri Apr 28 15:52:17 2017
Subject: FW: Draft Press release

-----End of Embedded Message-----

From: Marianne Belair
To: Alice D'Anjou; Karl Freeborn; Laura Gemmell; Geneviève Guibert; James Sinclair; Kim Pawley; Matthew Illaszewicz
Date: 9/16/2017 9:39 AM
Subject: Re: FINAL approved consolidated ML for NPC

Merci Alice! Can you point me to the change?

>>> Alice D'Anjou 9/16/2017 9:35:49 AM >>>Hi all - thanks for all the input on this one. We had one final change requested by TAG last night, the final version is attached for your reference.

Cheers
Alice

Alice d'Anjou
Sr. Communications Advisor, Communications
Conseillère principale en communications
Affaires Autochtones et du Nord Canada
Indigenous and Northern Affairs Canada
(613) 790-6972
alice.danjou@aandc-aadnc.gc.ca

From: Alice D'Anjou
To: Pawley, Kim (AADNC/AANDC)
CC: Carlea, Madalina; Illaszewicz, Matthew; Sinclair, James
Date: 4/28/2017 4:48 PM
Subject: Re: FW: Draft NPC Press release

And here are the draft ML. Can you send me the current funding \$\$ and I will add them?

I will be working over the weekend, but it looks like they won't go out until next week so we have a few days to get our ducks in order.

Cheers
Alice

Alice d'Anjou
Sr. Communications Advisor, Communications
Conseillère principale en communications
Affaires Autochtones et du Nord Canada
Indigenous and Northern Affairs Canada
(613) 790-6972
alice.danjou@aadnc-aadnc.gc.ca
>>> "Pawley, Kim (AADNC/AANDC)" <kim.pawley@canada.ca> 4/28/2017 4:45 PM >>>

NPC provided this to Dan Pudjak.

From: Mark Hopkins [mailto:Mark.Hopkins@aadnc-aandc.gc.ca]
Sent: Friday, April 28, 2017 4:39 PM
To: Pawley, Kim (AADNC/AANDC)
Subject: Fwd: FW: Draft Press release

>>>

From:
Stephen Van Dine
To:
Hopkins, Mark; Stevenson, Sandra
Date:
4/28/2017 4:32 PM
Subject:
Fwd: FW: Draft Press release

From: Edith Pedneault <edith.pedneault@aandc.gc.ca>
To: Matthew Illaszewicz @aandc-aadnc.gc.ca
Date: 3/22/2017 4:15 PM
Subject: Re: media scan NPC's NLUP hearings

Will do. I did a little scan already, and I only saw that article from CBC. I will do a scan first thing tomorrow and send it to the people mentioned below. Also Erin at HQ told me HQ hasn't received media requests yet.

Edie

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Matthew Illaszewicz
Sent: Wednesday, March 22, 2017 4:04 PM
To: Edith Pedneault
Subject: Fw: media scan NPC's NLUP hearings

Let's monitor media coverage of the hearings.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Karen Costello <Karen.Costello@aandc-aadnc.gc.ca>
Sent: Wednesday, March 22, 2017 3:46 PM
To: Krista Henriksen
Cc: Kim Pawley; Spencer Dewar; Matthew Illaszewicz
Subject: media scan NPC's NLUP hearings

Hi Krista,

After NMS Extended I mentioned to Matthew Illaszewicz the ADM's interest in being kept abreast of local media coverage of the hearings. Comms will do what they can to monitor.

I had asked Matthew to send to you. At this time I suggest it got to Spencer and Kim as well. It is likely that Mark will be sending updates to the ADM as appropriate.

Karen

From: Karen Costello <karen.costello@aandc.gc.ca>
To: Karen.Costello@aandc-aadnc.gc.ca, Matthew.Illaszewicz@aandc-aadnc.gc.ca, Edith.Pedneault@aandc-aadnc.gc.ca
CC: Krista.Henriksen@aadnc-aandc.gc.ca
Date: 3/24/2017 5:21 PM
Subject: Re: NPC hearing and NMS presentations

I just got them from NRCan...
Iqaluit CIDM 1113221
NCR CIDM 8725350

Sent from my BlackBerry 10 smartphone on the Bell network.
From: Matthew Illaszewicz
Sent: Friday, March 24, 2017 5:15 PM
To: Karen Costello; Edith Pedneault
Cc: Krista Henriksen
Subject: Re: NPC hearing and NMS presentations

We're not able to get these before the presentation tomorrow.

Unfortunately we'll have to take questions about those subjects as notice and get back to them unless someone from INAC has the proper information and they can share it.

>>> Karen Costello <karen.costello@aandc.gc.ca> 3/24/2017 5:09 PM >>>
As per request from Mark, I require media lines on what consultation GOC does on such things as staking, land use permits. If a question comes to GOC tomorrow morning INAC is to respond.

Karen

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Edith Pedneault
Sent: Friday, March 24, 2017 4:26 PM
To: Matthew Illaszewicz
Cc: Krista Henriksen; Karen Costello
Subject: Re: NPC hearing and NMS presentations

Hi Matthew,

Karen told me that we are hearing from the GN that the simultaneous translators don't always translate properly and that it would be best if we could have an Inuktitut speaking colleague from the office present during our presentation tomorrow. I know this is last minute, but any chance we can find someone to attend the hearing?

Edie

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Matthew Illaszewicz
Sent: Friday, March 24, 2017 3:03 PM
To: Edith Pedneault
Subject: Re: NPC hearing and NMS presentations

Ok, let me know what gets decided with the Government of Canada presentation.

Where's the hearing now in the order of presenters?

Thanks for the Nunavut Mining Symposium information.

>>> Edith Pedneault <edith.pedneault@aandc.gc.ca> 3/24/2017 2:04 PM >>>
Hi Matthew,

I just talk to Karen. She told me there might be (slim) chances that the presentation from the Government of Canada might be moved to tonight as they are trying to speed up the process and make up for the time they lost. I will see how it goes this afternoon and let you know how fast it went. If it is not tonight we might be first tomorrow morning.

I also discussed with Karen about presentations at the Mining Symposium. She said the presentation from minerals is the same as what Michal presented at PDAC and that it didn't need translation. Tracey's presentation is a shorter version than what they presented at PDAC and NGMP presentation is approved and translated so we should be all good.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Spencer Dewar
To: Priscilla Angnakak
CC: Matthew Illaszewicz
Date: 6/14/2017 4:53 PM
Subject: Translation - RESPONSE TO NPC LETTER ON FORWARD PROCESS
Attachments: IQALUIT-#1151904-v1-RESPONSE_TO_NPC_LETTER_ON_FORWARD_PROCESS_.DOCX

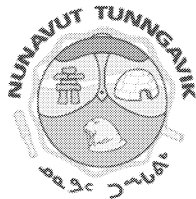
Hello,

Could you please send this for translation to Inuktitut.

Please send as a "rush job". If possible, would like by Friday June 16.

Thanks,

Spencer



www.tunngavik.com

By Email and By Mail

May 16, 2017

Andrew Nakasuk, Chairperson
Nunavut Planning Commission
P.O. Box 2101
Cambridge Bay, Nunavut
X0B 0C0

Re: Concerns and Recommendations Regarding the 2016 Draft Nunavut Land Use Plan Public Hearing Process – Qikiqtani Hearing

Dear Mr. Nakasuk:

As you know, Nunavut Tunngavik Incorporated (NTI) and the Qikiqtani Inuit Association (QIA) participated in the Nunavut Planning Commission's (NPC) Qikiqtani Regional Public Hearing on the 2016 Draft Nunavut Land Use Plan (DNLUP) from March 22 to 26, 2017. Following are NTI's concerns and recommendations related to the conduct of the hearing.

NTI and the Regional Inuit Associations (RIAs) continue to be committed to the land use planning process. However, key deficiencies in the conduct of the NPC regional hearing in Iqaluit in March cast serious doubt on the legitimacy and effectiveness of the process.

NTI is assessing whether the deficiencies in the Qikiqtani hearing warrant a new hearing or some other form of additional consultation with Qikiqtani residents before NPC finalizes the land use plan, and NTI may ultimately seek one of these remedies. In the meantime, NTI is sharing its concerns to give NPC as much time as possible to consider and adopt NTI's recommendations for the next two hearings.

To assist in remedying the deficiencies in the hearing process, NTI and the RIAs recommend a number of modifications, detailed below. NTI and the RIAs are of the view that if these modifications are not put into action at the next two regional hearings, the NPC will be placing the land use planning process in serious jeopardy.

NTI and the RIAs continue to be committed to assisting the NPC in achieving the goal of establishing a Nunavut Land Use Plan that reflects the priorities and values of Inuit. We sincerely hope that the concerns raised will be corrected before the NPC proceeds further.

Concerns and Recommendations

1. Significant lapses in meeting the requirement that Inuit oral tradition be respected and Inuit participation be promoted

The *Nunavut Agreement* is clear that Inuit oral tradition must be respected and given great weight in the hearing process. Section 11.4.17(a) states:

“the NPC shall at all times, give weighty consideration to the tradition of Inuit oral communication and decision making.”

Moreover, subsections 11.2.1 (c) and (d) require that the planning process provide for the active and informed participation of Inuit at all times through various means, including through the provision of relevant materials and realistic schedules.

At the Qikiqtani hearing, respect of Inuit oral tradition and decision-making was often lacking and failed to meet the requirements of the *Nunavut Agreement* in the following respects:

- the Chairperson at times interrupted Inuit participants when they were speaking to suggest that they provide their questions in writing;
- the Chairperson at times did not allow Inuit participants to speak at all;
- the very strict time limits for asking questions did not promote Inuit participation;
- on a few occasions, Inuit participants were asked to provide their questions in English when they initially spoke in Inuktitut.

This approach discouraged Inuit from participating at the hearing and was not in compliance with the *Nunavut Agreement*.

The Qikiqtani hearing was scheduled to take place from March 21-26. Due to inclement weather, the NPC changed the starting date to the 22nd. NPC's March 20, 2017 public notice indicated that the hearing dates were March 22 to 27. The hearing, however, still ended on the 26th. This created a sense of urgency and contributed to the practice of interrupting speakers or hurrying along with the agenda. It is our assessment that Inuit participants bore the brunt of an unnecessarily tightened schedule.

Under Article 11 of the *Nunavut Agreement*, the focus of hearings must be to support Inuit participants in providing comments and questions regarding the DNLUP 2016. The active participation of Inuit as set in the *Nunavut Agreement* cannot be curtailed.

Recommendations:

- Without exception, allow Inuit participants to make comments and ask questions orally in Inuktitut or Inuinnaqtun. Under no circumstances should Inuit participants be requested to provide questions or comments in English when speaking in Inuktitut or Inuinnaqtun.
- Allow more time for Inuit participants to ask questions or make comments on the DNLUP 2016. The length of the hearings should accommodate the expected level of participation, and any unavoidable schedule changes should maintain total hearing time.

2. The organization of the hearing did not allow for the informed participation of Inuit

Subsection 11.2.1 (c) and (d) of the *Nunavut Agreement* are key requirements, which must inform the land use planning process and hearings. Section 11.2.1 (d) states that the process “*shall provide an opportunity for the active and informed participation and support of Inuit*”. As discussed below, there is a serious question as to whether the hearing and process generally has provided that opportunity to Inuit.

Inuit participants not adequately informed of plan contents

It is not at all clear that Inuit delegates were made aware of the contents of the DNLUP 2016 before the commencement of the hearing. Further, the organization and structure of the Qikiqtani hearing itself did not allow for Inuit delegates to become better acquainted with the contents of the DNLUP 2016. Tellingly, for the most part, the hearing did not illuminate the views of Inuit delegates about the specific land use proposals in the DNLUP 2016.

Some Inuit delegates had very limited, if any, prior experience participating in the land use planning process. The DNLUP 2016 is a complex and technical document with major implications and it was unclear how well the proposals in the DNLUP 2016 were understood. Many Inuit delegates were unsure of what was expected of them at the hearing and provided general comments about wildlife in their areas without referencing the DNLUP 2016. In fact, overall, throughout the community presentations there was very little direct reference to the DNLUP 2016, suggesting a lack of familiarity with the contents.

Inuit participants not adequately informed of the decisions to be made at the hearing

Informed Inuit participation requires the Commission to clearly explain at the hearings the decision that is before the Commission, and the role of Inuit and other participants in the hearing process. It was not made clear at the Qikiqtani hearing that the decision before the Commission is whether (i) to submit the DNLUP 2016 as is for approval or (ii) to modify the DNLUP 2016 before submitting it for approval, and if so, in what respects should the plan be modified. To adequately address this choice, the Commission must present the contents of the DNLUP 2016, including the proposed land use designations to all participants at the hearings in enough detail to ensure the contents of the DNLUP 2016 are understood and to allow for informed comments and questions.

For example, on a number of occasions, Commissioners asked questions to participants in a binary or “black or white” fashion. They consistently presented the decision before the Commission as one of protection versus development without grounding the questions in the DNLUP 2016 land use proposals. This misrepresented the purpose of the hearing and unnecessarily placed Inuit participants in a position of having to answer vague and hypothetical questions without reference to the DNLUP 2016 itself, which was the supposed subject of the hearing.

Additionally, some speakers who suggested that there should be improvements to the consultation process were asked a similar binary question. The questions placed the concern for more community consultation directly at odds with caribou protection. This, once again, misrepresented the purpose of the hearing. Posing questions in a “all or nothing” fashion is not helpful.

The DNLUP 2016 proposes a number of different types of designations. These include Protected Areas, Special Management Areas and Mixed Use Areas that are intended to play a role in the protection of valued resources including wildlife. At the Qikiqtani hearing, there was little to no discussion of the role of each of the designations in addressing concerns. The land use plan as a whole is set within a context where legislative and regulatory regimes play a part in protecting resources. Major projects are screened and Nunavummiut are consulted about those projects. It is unfair to put community members in a position where they have to say, on the record, what their preference is on such a broad question like “protection or development” without being provided further information about specific land use proposals or the regulatory regime. It is important that Commissioners raise questions within the context of the specific proposals in the DNLUP 2016. Commissioners should be provided with more support to be able to play this role at the hearings.

The regional hearing failed to focus on regional issues

At the Qikiqtani hearing, it was surprising that NPC's presentations addressed land use planning proposals primarily from a territorial focus with little emphasis on the Qikiqtani region, where the hearing was taking place. Additionally, maps that would have allowed for a discussion on a regional basis were not readily available. The NPC staff presented only a very general and broad overview of the DNLUP 2016. NTI and the RIAs were also disappointed that QIA was not provided the opportunity to make a closing statement, especially since the hearing was happening in the Qikiqtani region and that QIA is not currently planning on attending the other two hearings.

As a result of the above flaws, the obligation to garner informed Inuit support as required by section 11.2.1 (d) of the *Nunavut Agreement* was not met.

Recommendations:

- Identify the decision before the Commissioners at the hearings, i.e. whether (i) to submit the current DNLUP 2016 for approval or (ii) to modify the DNLUP 2016 based on submissions and to submit a revised draft for approval) and if so, in what respects should the plan be modified.
- Present all proposed designations by community and other land use proposals pertinent within the region.

- Provide maps at a scale that focusses on the land use proposals at a community and regional level.
- Focus questions (by Commissioners) and invite submissions and discussion on the specific land use proposals and designations in the DNLUP 2016.

3. The process to provide new evidence was unclear

A number of times NPC invited community participants to make further written submissions regarding new proposals for the DNLUP 2016. In one case, the Amarok HTA proposed a large new Community Area of Interest for eight communities. It is unclear what the process will be for evaluating this proposal or other new proposals or evidence and for allowing all participants to comment on these submissions. The NPC must outline the procedure for commenting on new proposals and evidence. Additionally, all participants should be notified as to what is considered as new evidence since the opening of the public hearings.

Also, during presentations, participants were provided a laser pointer to comment on maps that were displayed on the screen. It is uncertain if the information provided by the Inuit delegates using the pointer was recorded at all times during the hearing and if so, how that information will be utilized.

At a minimum, the NPC procedure should allow for all participants to provide:

- i. written submissions regarding the new evidence or proposals,
- ii. the ability to respond to written submissions of other participants, and
- iii. an oral hearing if the evidence or proposal is substantial and is one that NPC will seriously entertain (e.g. a proposal that impacts the interests of several communities or is related to an issue of regional or territorial significance).

Recommendation:

- Provide notice of what new proposals and evidence the NPC has received into the record since the opening of the public hearings.
- Provide an adequate procedure for addressing new evidence and proposals that allows for participants to provide written comments and/or oral comments and the ability to respond to the comments of other participants on the evidence or proposal.
- Capture the submissions that participants share by referring to maps in their oral submissions and explain to participants how this will be done so that everyone can have confidence that this input is being recorded and can know where to search for it in the hearing record.

4. Concerns regarding the role of the Commissioners

i) Maintenance of Objectivity

In a few instances during the hearing, Commissioners made remarks and asked questions that suggested that they had already made up their minds about issues or that they might have a

perceived of lack of open-mindedness towards certain views or participants. This raises serious questions about the required objectivity of the Commissioners.

ii) Composition of the Hearing Panel

The composition of the NPC panel at the Qikiqtani hearing raises serious concerns about balance and fairness. Two out of the six Commissioners at the hearing, one third, were nominated by Makivik Corporation. They appeared to be assessing input not only for Areas of Equal Use and Occupancy (AEUO), but also for the Nunavut Land Use Plan as a whole. There was no explanation or caveat given regarding the nature of the roles played by the Makivik nominees on the Commission.

Under section 40.2.14 of the *Nunavut Agreement*, Makivik Corporation was entitled to nominees on NPC hearing panels, only prior to the ratification of a Nunavut Inuit Land Claims Agreement (NILCA), and then only for decisions that apply to activities in the AEUO. Following ratification of the NILCA, Government, NTI and Makivik Corporation were to agree on a permanent regime for the AEUO, which has not happened. Given this, Makivik Corporation is not entitled to nominees on the Qikiqtani NPC hearing panel nor for the other regional public hearings.

In addition, the *Nunavut Planning and Project Assessment Act* (NuPPAA) does not provide for Makivik Corporation nominees on the hearing panel (s. 11(4)) and only provides for Makivik Corporation nominees to take part in conformity and screening/review decisions under Part 3 of NuPPAA in an AEUO. At most, Makivik Corporation nominees on a hearing panel should only be involved in planning decisions relating to the AEUO.

Given the above, the participation of Makivik Corporation nominees as one-third of the NPC panel, in NTI's view, upset the balance of the discussion at the hearing, resulting in unfairness to Nunavut Inuit.

Recommendation:

- The composition of the hearing panel should be corrected in the next two hearings.

5. Concerns regarding the hearing environment and overall fairness

The Qikiqtani hearing was presented by NPC as being an “informal public hearing/informal hearing venue”. The term is defined in the NPC's *Rules of Procedure for Public Hearings and Public Review* as:

an open forum community meeting which is held primarily to allow participants the opportunity to communicate their views about the proceeding in an informal environment, and submit evidence to the Commission relevant to its inquiry.

In contrast to the NPC's stated intentions, the lines were often blurred between a “formal” and an “informal” public hearing. NPC's legal counsel and Commissioners asked questions of some participants as if conducting a cross-examination of witnesses, which conflicts sharply with the requirements of Article 11, and in particular, subsection 11.2.1 (d) and (g) and 11.4.4 (e) and

(g). This did not create an environment where parties were at ease to actively participate in the hearing. In contrast, subsection 11.4.4 (g) of the *Nunavut Agreement*, and other provisions, require that the NPC promote public awareness and discussion. The format of the hearing and the conduct of some of the Commissioners and staff discouraged discussion rather than promoting it.

To create an environment that encourages Inuit participation and overall participation, introductions of all participants and a general open-mindedness to receiving feedback are necessary. The agenda should include time for Inuit delegates, as well as organizations with standing, to introduce themselves at the start of the hearing. Additionally, the organizations with standing such as NTI, the RIAs and governments should present after NPC to allow Inuit delegates to hear all the views on the DNLUP 2016 before presenting.

For the next two hearings, the role of pre-written questions should be reconsidered. Participants were asked to submit pre-written questions addressed to the NPC. NPC staff read these pre-written questions into the record and then answered them. It was unclear when NPC read these questions whether the questions were from NPC staff or by other participants. It would be better if participants were allowed to read their own questions at the hearing. Additionally, NPC staff prepared questions to ask participants that they did not share with participants ahead of time. To ensure that participants are able to answer NPC questions at the hearings, NPC should share as many of their questions as possible with participants well before the hearings.

All these issues contributed to the overall result that Inuit were not adequately engaged in the process that the NPC is charged with leading under Article 11.

Recommendations:

- Allow the Inuit delegates and organizations with standing to introduce themselves at the start of the hearing.
- Allow participants to read their own pre-written questions.
- NPC to share as many of their questions as possible with participants ahead of the hearings.

Conclusion

The concerns and recommendations above are made with the view of ensuring the best possible hearing processes for all parties. These comments were also prepared in the absence of access to the transcripts and such transcripts may reveal additional or other concerns. Obligations contained within the *Nunavut Agreement* and principles of administrative law including procedural fairness must be upheld at all times.

Given the serious shortcomings in the hearing in Qikiqtani detailed above, NTI and the RIAs recommend strongly that the above deficiencies be remedied and recommendations followed at the next hearing in Rankin Inlet in June and the hearing in Cambridge Bay in October. Failure to correct the errors listed in this letter in the next two hearings will potentially jeopardize the land use planning process.

In closing, NTI and the RIAs continue to be committed to the land use planning process and continue to invest our resources to participate. We remain open to working with you and invite you to contact our offices if you have any questions or concerns.

Yours sincerely,



James Eetoolook
Vice-President, NTI

c.c.

Honourable Peter Taptuna, Premier of Nunavut
Honourable Joe Savikataaq, Minister of Environment, Government of Nunavut
Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs, Government of Canada
Mr. PJ Akeeagok, President, Qikiqtani Inuit Association
Mr. David Ningeongan, President, Kivalliq Inuit Association
Mr. Stanley Anablak, President, Kitikmeot Inuit Association

**Pages 80 to / à 83
are under consultation
sont sous consultation**



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Numéro de dossier : 5223932

Le 15 novembre 2016

TRADUIT DE L'ANGLAIS

Objet : Rapport d'expert – Le terme « projet » a le même sens dans la *Loi sur l'aménagement du territoire et l'évaluation des projets au Nunavut* et dans l'Accord sur les revendications territoriales du Nunavut

Monsieur le président,

La présente lettre fait état des arguments de droit du gouvernement du Canada sur la relation entre le terme « projet » (*project* en anglais) au sens de la *Loi sur l'aménagement du territoire et l'évaluation des projets au Nunavut* (*Loi* ou LATEPN) et le terme « projet » (*project proposal* en anglais) au sens de l'Accord sur les revendications territoriales du Nunavut (Accord ou ARTN). Elle est fournie à titre de rapport d'expert au sens donné par la Commission dans le cadre du présent processus. Les qualifications de l'auteur sont énoncées sous pli séparé.

Conclusions en bref

- Malgré que la définition du terme « projet » énoncée dans la *Loi* soit différente de celle énoncée dans l'Accord, le terme « projet » a le même sens dans les deux textes.
- Par conséquent, il n'y a pas de conflit ou d'incohérence entre les deux définitions du terme « projet ».
- Sous le régime de l'Accord et de la *Loi*, le régime d'évaluation – qui vise à la fois la conformité au plan d'aménagement du territoire et l'évaluation des répercussions – ne s'applique pas à la réalisation d'un ouvrage ou encore au démarrage ou à l'exercice d'une activité dont les répercussions négatives sur le plan écosystémique n'auraient, de toute évidence, aucune importance.

Contexte

Comme l'exige l'Accord (article 10.2.1), les caractéristiques de base des articles 10, 11 et 12 de l'Accord ont été énoncées dans une loi. Le projet de loi qui a mené à la *Loi* a été élaboré au fil de nombreuses années, grâce aux efforts de collaboration d'un groupe de travail composé de représentants de Nunavut Tunngavik Inc., du gouvernement du Nunavut, du gouvernement du Canada, de la Commission du Nunavut chargée de l'examen des répercussions et de la Commission d'aménagement du Nunavut.

Puisque l'Accord et la *Loi* sont des instruments différents assujettis à des conventions de rédaction différentes, les concepts de l'Accord sont souvent énoncés différemment dans la *Loi*. En outre, dans certains cas bien précis, le groupe de travail a recommandé que des changements soient apportés aux arrangements pris dans l'Accord. Dans quelques cas, ces changements ont nécessité la modification de l'Accord.

Des fonctionnaires fédéraux qui ont fait partie du groupe de travail ayant élaboré le projet de loi nous ont dit que le groupe de travail s'était entendu sur la définition du terme « projet » qui figure maintenant dans la *Loi*. Ils ont également précisé que l'objectif premier de la définition du terme « projet » dans la *Loi* était de donner effet à la définition originale énoncée dans l'Accord. Par contre, le groupe de travail a

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recommandé que la définition du terme soit restreinte, de façon à exclure certaines activités et certains ouvrages dans une municipalité. Il s'agissait d'un changement de fond qui a nécessité la modification de l'Accord, ce qui a été fait¹ en conformité avec les exigences de l'Accord et de la *Loi*.

Le Plan provisoire d'aménagement du Nunavut de 2016 comprend la définition suivante : « **Projet/Proposition de Projet** Porte les significations données dans la LATEPN et l'ARTN respectivement ». Le plan provisoire utilise ensuite « Projet/Proposition de Projet » dans le reste du document.

Bien que le plan provisoire n'explique pas clairement pourquoi les rédacteurs ont utilisé « Projet/Proposition de Projet » au lieu de « projet » tout simplement, la lettre du président de la Commission inscrite au registre semble fournir une explication. En août 2016, le président de la Commission, Andrew Nakashuk, a écrit une lettre en réponse à la lettre du sénateur Dennis Patterson :

[traduction] [L]a Commission d'aménagement du Nunavut (CAN) a discuté avec les intervenants pertinents du fait que la LATEPN est incompatible avec l'Accord sur les revendications territoriales du Nunavut (ARTN), tel qu'il a été modifié le 9 juillet 2015. En raison de ce conflit, la CAN est tenue de mettre en œuvre à la fois la LATEPN et l'ARTN [...] ²

Cette croyance selon laquelle il y a un conflit entre l'Accord et la *Loi* semble expliquer pourquoi les rédacteurs du Plan provisoire d'aménagement du Nunavut de 2016 ont jugé qu'il était nécessaire d'inclure les deux termes.

La lettre du président Nakashuk indique que la Commission croit que le terme « projet » utilisé dans l'Accord est plus large que le terme « projet » utilisé dans la *Loi*, parce que la définition donnée dans la *Loi* exclut les ouvrages et les activités dont les répercussions n'ont, de toute évidence, aucune importance.

Analyse

Nous sommes d'avis qu'il n'y a pas de conflit ou d'incohérence entre l'Accord et la *Loi* à cet égard, même si les textes sont rédigés différemment. La définition du terme « projet » donnée dans la *Loi* a été soigneusement conçue pour intégrer le concept défini dans l'Accord sans en modifier le sens.

¹ Décret C.P. 2015-851.

² Lettre du président A. Nakashuk au sénateur D. Patterson (18 août 2016), en ligne: <http://www.nunavut.ca/files/2016-08-18%20SenPatterson%20response.pdf> (en anglais seulement).

Par souci de commodité, les définitions énoncées dans les deux instruments juridiques sont reproduites ci-dessous :

Définition de « projet » à l'article 1.1.1 de l'Accord

<p>« projet » Proposition par un promoteur visant soit la réalisation — y compris la construction, l'exploitation, la modification, la désaffectation ou la fermeture — d'un ouvrage soit le démarrage ou l'exercice d'une activité concrète, ouvrage ou activité dont la réalisation ou le démarrage ou l'exercice, selon le cas, se déroulerait dans la région du Nunavut, sous réserve des dispositions de l'article 12.11.1, mais ne comprend pas les activités de construction, d'exploitation et d'entretien des bâtiments ainsi que les services, dans une municipalité, qui n'ont pas de répercussions écosystémiques à l'extérieur de la municipalité et qui n'impliquent pas le dépôt de déchets par une municipalité l'entreposage en vrac de combustible, la production d'énergie nucléaire ou d'hydroélectricité et toute activité industrielle.</p>	<p>“project proposal” means a physical work that a proponent proposes to construct, operate, modify, decommission, abandon or otherwise carry out, or a physical activity that a proponent proposes to undertake or otherwise carry out, such work or activity being within the Nunavut Settlement Area, except as provided in Section 12.11.1 but does not include the construction, operation or maintenance of a building or the provision of a service, within a municipality, that does not have ecosystemic impacts outside the municipality and does not involve the deposit of waste by a municipality, the bulk storage of fuel, the production of nuclear or hydro-electric power or any industrial activity.</p>
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Définition de « projet » au paragraphe 2(1) de la Loi

<p>projet La réalisation — y compris la construction, l'exploitation, la modification, la désaffectation ou la fermeture — d'un ouvrage ou le démarrage ou l'exercice d'une activité concrète, qui comporte l'utilisation de terres, d'eaux ou d'autres ressources. Sont toutefois exclus :</p> <ul style="list-style-type: none"> a) la réalisation d'un ouvrage ou le démarrage ou l'exercice d'une activité dont les répercussions négatives sur le plan écosystémique n'ont, de toute évidence, aucune importance, compte tenu notamment des éléments prévus aux alinéas 90a) à i); b) la réalisation d'un ouvrage ou le démarrage ou l'exercice d'une activité faisant partie d'une catégorie d'ouvrages ou d'activités prévue par règlement; c) la construction, l'exploitation et l'entretien d'un bâtiment et la fourniture d'un service, dans une municipalité, qui n'entraînent pas de répercussions écosystémiques à l'extérieur de celle-ci et qui ne comportent pas le dépôt de déchets par une municipalité, l'entreposage en vrac de combustible, la production d'énergie nucléaire ou hydroélectrique ou quelque activité industrielle. 	<p>Project means the carrying out, including the construction, operation, modification, decommissioning or abandonment, of a physical work or the undertaking or carrying out of a physical activity that involves the use of land, waters or other resources. It does not include</p> <ul style="list-style-type: none"> (a) the undertaking or carrying out of a work or activity if its adverse ecosystemic impacts are manifestly insignificant, taking into account in particular the factors set out in paragraphs 90(a) to (i); (b) the undertaking or carrying out of a work or activity that is part of a class of works or activities prescribed by regulation; or (c) the construction, operation or maintenance of a building or the provision of a service, within a municipality, that does not have ecosystemic impacts outside the municipality and does not involve the deposit of waste by a municipality, the bulk storage of fuel, the production of nuclear or hydro-electric power or any industrial activities.
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L'alinéa a) de la définition de « projet » donnée dans la *Loi* restreint explicitement les mots figurant au début de la définition. Cet alinéa exclut les ouvrages et les activités dont les répercussions négatives sur le plan écosystémique « n'ont, de toute évidence, aucune importance ». Cette exclusion n'est pas énoncée explicitement dans l'Accord. Cependant, selon nous, l'interprétation téléologique et contextuelle de l'Accord nous permet de conclure que la même exclusion est implicite dans l'Accord. Voici l'analyse à l'appui de cette conclusion.

À première vue, la définition du terme « projet » énoncée dans l'Accord est manifestement très large. En effet, sa portée est presque illimitée, sauf du point de vue géographique. Bien que la définition exclue certaines activités dans les municipalités, presque toutes les activités concrètes et presque tous les actes pris

à l'égard de presque tous les ouvrages (c.-à-d. outils, machines, structures, etc.) dans la région du Nunavut seraient visés par la définition si celle-ci était interprétée littéralement.

Pour déterminer si une disposition doit être interprétée dans son sens littéral, il faut examiner les incidences d'une telle interprétation. Prise strictement dans son sens littéral, la définition inclurait presque tout ce qu'une personne fait au Nunavut et, par conséquent, il faudrait obtenir une décision sur la conformité pour presque tout : pour sortir du lit, pour démarrer sa voiture, pour monter une tente, pour manger une collation, pour organiser une réunion ou y assister. Tous ces exemples sont des activités concrètes et certains d'entre eux visent également le fonctionnement d'un ouvrage.

Or, une interprétation téléologique et contextuelle de l'Accord montre clairement que les articles 10 à 13 ne se préoccupent pas des actes qui ne présentent aucun risque manifeste de répercussions négatives sur le plan écosystémique. Cette interprétation est conforme au principe selon lequel la loi n'a cure des détails (*de minimis non curat lex*).

En effet, il est impossible de concevoir un système de réglementation au Nunavut fondé sur une interprétation littérale de l'Accord – il faudrait dans ce cas obtenir à l'avance l'autorisation de la Commission pour presque tout. À notre avis, l'interprétation littérale de l'Accord est absurde au sens juridique, c'est-à-dire qu'elle conduirait à un résultat que les négociateurs ou les rédacteurs de l'Accord ne sauraient avoir voulu.

Il faut plutôt reconnaître que la définition de « projet » dans l'Accord exclut implicitement les actes qui ne présentent aucun risque manifeste de répercussions négatives sur le plan écosystémique. Il est vrai que cette exclusion n'apparaît pas expressément dans le texte de l'Accord, mais il faut parfois recourir au message sous-jacent pour régler les problèmes liés à l'interprétation des lois. On parle ici des mots qui n'apparaissent pas dans le texte, mais qui sont sous-entendus par les rédacteurs³. Pour interpréter correctement la définition du terme « projet » dans l'Accord, il faut reconnaître que, même en l'absence de mots qui restreignent le début de la définition, la portée de la définition est tout de même restreinte par déduction nécessaire du régime dans son ensemble.

C'est pour cette raison que la définition du terme « projet » dans la *Loi* exclut explicitement les actes qui ne présentent aucun risque manifeste de répercussions négatives sur le plan écosystémique. En se servant des mots utilisés par le groupe de travail multipartite, le législateur a énoncé explicitement ce qui était implicite dans l'Accord : l'exclusion des actes dont les répercussions négatives sur le plan écosystémique n'ont, de toute évidence, aucune importance.

Sur cette base, les conclusions suivantes s'imposent :

- Il n'y a pas de conflit ou d'incohérence entre la définition du terme « projet » dans l'Accord et la définition du même terme dans la *Loi*.
- Le régime d'évaluation – c.-à-d. la conformité au plan d'aménagement du territoire et l'évaluation des répercussions – ne s'applique qu'aux actes dont il est raisonnable de penser qu'ils risquent d'avoir des répercussions négatives importantes sur le plan écosystémique.
- Pour déterminer si une activité concrète ou un acte relatif à un ouvrage est un projet au sens de la *Loi*, il faut faire preuve de jugement et tenir compte de tous les éléments énoncés aux alinéas 90a) à i) de la *Loi*.

³ Pour une excellente discussion de cet aspect de l'interprétation des lois, voir Randal N. Graham, *Statutory Interpretation: Theory and Practice* (Toronto: Emond Montgomery, 2001), en particulier le chapitre 5.

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Veillez agréer, Monsieur le président, l'expression de mes sentiments les meilleurs.

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- ለፍርድቤት ማረጋገጫ ምርመራ ማድረግ ይቻላል፡፡ ለዚህም ምሳሌ “ለፍርድቤት ማረጋገጫ ምርመራ ማድረግ ይቻላል፡፡ ለዚህም ምሳሌ “ለፍርድቤት ማረጋገጫ ምርመራ ማድረግ ይቻላል፡፡
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File Number: 5223932

November 15, 2016

Mr. Andrew Nakashuk, Chairperson
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By email c/o sehaloak@nunavut.ca
Original to follow

Dear Chairperson Nakashuk:

**Re: Expert Report – The Terms “Project” in *NUPPAA* and “Project Proposal” in the
Nunavut Agreement Have the Same Meaning**

This letter is the Government of Canada’s legal submission on the relationship between the term “project” as defined in the *Nunavut Planning and Project Assessment Act* and the term “project proposal” as defined in the *Nunavut Agreement*. It is provided as an expert report as that term is used by the Commission in this process. A statement of the author’s qualifications is provided separately.

Brief Conclusions

- Despite the fact that the two definitions use different words, the term “project” as it is defined in the Act has the same meaning as the term “project proposal” as it is defined in the *Nunavut Agreement*.
- Accordingly, there is no conflict or inconsistency between the terms “project” as it is defined in the Act and “project proposal” as it is defined in the *Nunavut Agreement*.
- Under both the *Nunavut Agreement* and the Act, the assessment regime – meaning both land use plan conformity and impact assessment – does not apply when the carrying out of a work or the undertaking of an activity would have manifestly insignificant ecosystemic impacts.

Background

As required by the *Nunavut Agreement* (section 10.2.1) the core features of Articles 10, 11 and 12 of the *Nunavut Agreement* were rendered into legislation. The bill that eventually became the Act was developed over many years, through the collaborative efforts of a working group consisting of representatives of Nunavut Tunngavik Inc., the Government of Nunavut, the Government of Canada, the Nunavut Impact Review Board and the Nunavut Planning Commission.

Because they are different instruments with different drafting conventions, concepts from the *Nunavut Agreement* are often expressed in the Act using different words. There were also a select number of areas where the working group recommended changes to the existing arrangements in the *Nunavut Agreement*. In a few cases, these modifications required amendments to the *Nunavut Agreement*.

We are advised by federal officials who participated in the bill-development working group that the group settled on the definition of “project” that is now found in the Act. We are further advised that the primary purpose of that definition was to give effect to and carry forward the original meaning of “project

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proposal” found in the *Nunavut Agreement*. However the working group did recommend narrowing the term to exclude certain activities and works within municipal boundaries. This was a substantive change that required amendment of the *Nunavut Agreement*, which was done¹ in accordance with the requirements of the *Nunavut Agreement* and the *Nunavut Land Claims Agreement Act*.

In the definition section, the *2016 Draft Nunavut Land Use Plan* contains the following definition: “**Project/Project Proposal** carry the meanings provided in the NUPPAA and the NLCA respectively” (p. 11). The draft plan then uses “Project/Project Proposal” throughout the balance of the draft.

While it is not clear from the draft plan itself why the drafters would use “Project/Project Proposal” instead of a single term “Project”, it appears that an explanation can be found in a letter from the Commission’s chairperson that was placed on the registry. In August 2016, Commission Chairperson Andrew Nakashuk wrote in reply to a letter from Senator Dennis Patterson:

[T]he Nunavut Planning Commission (NPC) has been discussing with relevant stakeholders the fact that the NUPPAA conflicts with the Nunavut Land Claims Agreement (NLCA) as it was amended July 9, 2015, and as a result of those conflicts the NPC is in a position of having to implement both the NLCA and NUPPAA...²

This belief that there is a conflict between the *Nunavut Agreement* and the Act seems to explain why the drafters of the *2016 Draft Nunavut Land Use Plan* considered it necessary to include both the *Nunavut Agreement* term “project proposal” and the Act’s term “project”.

Chairman Nakashuk’s letter expresses the Commission’s belief that the term “project proposal” in the *Nunavut Agreement* is broader than the Act’s term “project”. The reason stated is that the Act excludes works and activities with manifestly insignificant impacts from the meaning of the term “project.”

Analysis

Despite the differences in wording, we are of the opinion that there is no conflict or inconsistency between the *Nunavut Agreement* and the Act on this point. The definition of the term “project” in the Act was carefully designed to transfer the *Nunavut Agreement* concept of “project proposal” into legislative text without altering its meaning.

For ease of reference, the definitions in the two legal instruments are reprinted below:

¹ Order-in-Council PC 2015-851.

² Letter from Chairperson A. Nakashuk to Senator D. Patterson (August 18, 2016), available online at <http://www.nunavut.ca/files/2016-08-18%20SenPatterson%20response.pdf> (no translated versions posted).

Project Proposal in section 1.1.1 of the Nunavut Agreement

<p>“project proposal” means a physical work that a proponent proposes to construct, operate, modify, decommission, abandon or otherwise carry out, or a physical activity that a proponent proposes to undertake or otherwise carry out, such work or activity being within the Nunavut Settlement Area, except as provided in Section 12.11.1 but does not include the construction, operation or maintenance of a building or the provision of a service, within a municipality, that does not have ecosystemic impacts outside the municipality and does not involve the deposit of waste by a municipality, the bulk storage of fuel, the production of nuclear or hydro-electric power or any industrial activity.</p>	<p>« projet » Proposition par un promoteur visant soit la réalisation – y compris la construction, l’exploitation, la modification, la désaffectation ou la fermeture – d’un ouvrage soit le démarrage soit le démarrage ou l’exercice d’une activité concrète, ouvrage ou activité dont la réalisation ou le démarrage ou l’exercice, selon le cas, se déroulerait dans la région du Nunavut, sous réserve des dispositions de l’article 12.11.1, mais ne comprend pas les activités de construction, d’exploitation et d’entretien des bâtiments ainsi que les services, dans une municipalité, qui n’ont pas de répercussions écosystémiques à l’extérieur de la municipalité et qui n’impliquent pas le dépôt de déchets par une municipalité l’entreposage en vrac de combustible, la production d’énergie nucléaire ou d’hydroélectricité et toute activité industrielle.</p>
---	---

Project in section 2(1) of the Act

<p>Project means the carrying out, including the construction, operation, modification, decommissioning or abandonment, of a physical work or the undertaking or carrying out of a physical activity that involves the use of land, waters or other resources. It does not include</p> <ul style="list-style-type: none"> (a) the undertaking or carrying out of a work or activity if its adverse ecosystemic impacts are manifestly insignificant, taking into account in particular the factors set out in paragraphs 90(a) to (i); (b) the undertaking or carrying out of a work or activity that is part of a class of works or activities prescribed by regulation; or (c) the construction, operation or maintenance of a building or the provision of a service, within a municipality, that does not have ecosystemic impacts outside the municipality and does not involve the deposit of waste by a municipality, the bulk storage of fuel, the production of nuclear or hydro-electric power or any industrial activities. 	<p>projet La réalisation — y compris la construction, l’exploitation, la modification, la désaffectation ou la fermeture — d’un ouvrage ou le démarrage ou l’exercice d’une activité concrète, qui comporte l’utilisation de terres, d’eaux ou d’autres ressources. Sont toutefois exclus :</p> <ul style="list-style-type: none"> a) la réalisation d’un ouvrage ou le démarrage ou l’exercice d’une activité dont les répercussions négatives sur le plan écosystémique n’ont, de toute évidence, aucune importance, compte tenu notamment des éléments prévus aux alinéas 90a) à i); b) la réalisation d’un ouvrage ou le démarrage ou l’exercice d’une activité faisant partie d’une catégorie d’ouvrages ou d’activités prévue par règlement; c) la construction, l’exploitation et l’entretien d’un bâtiment et la fourniture d’un service, dans une municipalité, qui n’entraînent pas de répercussions écosystémiques à l’extérieur de celle-ci et qui ne comportent pas le dépôt de déchets par une municipalité, l’entreposage en vrac de combustible, la production d’énergie nucléaire ou hydroélectrique ou quelque activité industrielle.
--	---

Paragraph (a) of the definition of “project” contains an explicit narrowing of the opening words of the definition. This paragraph excludes works and undertakings with “manifestly insignificant” adverse ecosystemic impacts. There is no parallel text in the *Nunavut Agreement* that explicitly excludes the same things. However in our view, a purposive and contextual reading of the *Nunavut Agreement* demonstrates the same exclusion was already implicit in the *Nunavut Agreement*. What follows is the analysis in support of this conclusion.

On its face, the *Nunavut Agreement* definition of “project proposal” is clearly very broad; indeed, aside from geography, it is nearly unlimited in its breadth. While the definition explicitly excludes some activities inside municipal boundaries, almost every single physical activity and almost any act in relation to almost every single physical work (*i.e.*, tool, machine, structure, *etc.*) in the Nunavut Settlement Area would be caught by a literal reading of this definition.

In determining whether the literal meaning of the provision is the true meaning of the provision, the implications of the literal meaning must be considered. Taking the text strictly literally, almost everything one does in Nunavut would fall within the definition, and therefore would require a conformity determination. A conformity determination would be required before getting out of bed; before starting a car; before pitching a tent; before eating a snack; before organising or attending a meeting. All of these things include physical activities, and some are both physical activities and the operation of a physical work.

However a contextual and purposive reading of the *Nunavut Agreement* makes clear that Articles 10, 11, 12 and 13 do not concern themselves with actions that have no discernable risk of adverse ecosystemic impact. This is consistent with the principle that the law does not concern itself with trivial matters, sometimes stated in the Latin maxim *de minimis non curat lex*.

Indeed, it is impossible to conceive of a Nunavut regulatory system in which the *Nunavut Agreement* definition is read literally – this would require advance clearance from the Commission for almost everything done in Nunavut. In our opinion, this interpretation of the *Nunavut Agreement* is absurd in the legal sense, meaning that it is a result that could not possibly have been intended by the negotiators or drafters of the *Nunavut Agreement* at the time of its development.

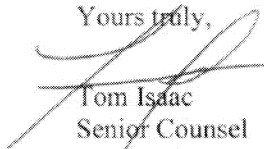
Instead it must be recognized that there is an implicit, or subtextual, exclusion from “project proposal” of things with no discernable risk of adverse ecosystemic impact. It is true that this exclusion does not expressly appear in the text of the *Nunavut Agreement*. But statutory interpretation sometimes presents challenges that can only be resolved by resort to subtext. In statutory interpretation, subtext refers to words that do not appear on the page, but must have been assumed by the drafters at the time of drafting.³ The proper legal interpretation of the definition of “project proposal” requires recognition that despite the absence of words that narrow the opening part of the definition, the definition is nonetheless narrowed by necessary implication of the scheme as a whole.

It is for this reason that the Act’s definition of “project” explicitly excludes acts with no discernable risk of significant adverse ecosystemic impact. Parliament, using the words developed by the multi-party working group, is giving voice to a silent feature that was always present in the *Nunavut Agreement* – the exclusion of things with manifestly insignificant adverse ecosystemic impacts.

On this basis, it becomes clear that:

- there is no conflict or inconsistency between the *Nunavut Agreement* term “project proposal” and the Act’s term “project”;
- the assessment regime – both land use plan conformity and impact assessment – apply only to those acts that might reasonably be expected to have a significant adverse ecosystemic impact; and
- determining whether a given physical activity or action in relation to a physical work is a project within the meaning of the Act requires the exercise of judgment, taking into account the factors identified by the Act in paragraphs 90(a) to (i).

Yours truly,



Tom Isaac
Senior Counsel

³ For an excellent discussion of this element of statutory interpretation, please refer to Randal N. Graham, *Statutory Interpretation: Theory and Practice* (Toronto: Emond Montgomery, 2001). Problems of subtext are discussed in chapter 5.

PRICE2, JOHN (AADNC/AANDC)

From: Landa, Ken <Ken.Landa@justice.gc.ca>
Sent: Friday, January 13, 2017 5:32 PM
To: PRICE2, JOHN (AADNC/AANDC); David Rochette; Hopkins, Mark (AADNC/AANDC); Pawley, Kim (AADNC/AANDC); Traynor2, Janice (AADNC/AANDC)
Cc: Larouche, Alexandre
Subject: FW: Submission - Transition, Existing Rights, etc.
Attachments: Transition, Existing Rights - Transmittal Letter.pdf; Submission - Transition Rules, Existing Rights, etc.pdf

Hi David. As requested, here is the filed version of the DOJ portion of the submission.

John, could you please circulate this to the appropriate lists within the Government?

Thanks and have a great weekend.

Regards,
Ken

Kenneth David Landa
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From: Landa, Ken
Sent: Friday, January 13, 2017 3:28 PM
To: 'sehaloak@nunavut.ca' <sehaloak@nunavut.ca>
Cc: Alan Blair - Blair Law Group <alan@blairlawgroup.com>; 'Marie Belleau' <MBelleau@tunngavik.com>; 'asilk@gov.nu.ca' <asilk@gov.nu.ca>
Subject: Submission - Transition, Existing Rights, etc.

Dear Sharon, happy new year.

Please find attached a transmittal letter and submission. As you will see from the letter, we are requesting an extension to file translated versions.

Best regards,
Ken

Kenneth David Landa
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Government of Canada

Response to the Questions in the NPC's Paper Titled Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, *January 2016*

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1. Introduction

This document presents Government of Canada information and responses to the questions posed by the Nunavut Planning Commission (Commission) through the:

- Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016 Document;
- Technical meeting held in Rankin Inlet January 18-22, 2016;
- Technical meeting held in Iqaluit March 7-10, 2016; and
- Marine Shipping Workshop held April 8, 2016.

The Government of Canada is providing information and guidance to the Nunavut Planning Commission to assist in the development of the draft Nunavut Land Use Plan. The Government of Canada provides clarity on its preferred options and approaches that were presented by the Commission, where it is possible to do so in the timeframe provided.

There are several components of the draft Nunavut Land Use Plan where additional discussion is required, before further guidance can be provided by the Government of Canada.

We anticipate the Commission or its staff may also require clarification of some comments, in which case we encourage open discussion with federal officials as needed.

The Government of Canada will continue to support the Nunavut Planning Commission in the complex task at hand and recognizes the important work completed by the Commission to date.

2. Considerations for Potential Refinements

In this section, the Government of Canada provides feedback on the Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan document (“Refinements document”), dated January 2016, and prepared by the Nunavut Planning Commission for discussion at Technical Meeting #3 (January 18-22, 2016). A series of annexes follows this section. The annexes provide specific information that was requested by the Commission, as well as additional information for the Commission to consider.

2.1 Walrus Haul-outs

Issue and Discussion

The issue identified in the Refinements document is whether walrus haul-outs should be designated as Protected Areas in the Nunavut Land Use Plan.

The Government of Canada advises that Fisheries and Oceans Canada (DFO) manages fisheries and oceans resources in Nunavut in cooperation with co-management partners under the Nunavut Land Claims Agreement.

The Agreement sets out harvesting rights for beneficiaries, imposes procedural and substantive requirements on the Minister of Fisheries and Oceans related to the management of fisheries, and establishes the Nunavut Wildlife Management Board (NWMB) as an institution of public government responsible for regulating the harvesting of wildlife and associated activities. The NWMB also directs certain research on wildlife and wildlife harvesting in the Nunavut Settlement Area (NSA). Nunavut Tunngavik Incorporated represents Inuit beneficiaries and their interests under the Agreement.

The NWMB, as the main instrument for wildlife management and the main regulator of access to wildlife in the NSA, recommends its decisions on conservation to the Minister of Fisheries and Oceans, who retains decision-making. The Minister’s decisions, and the decisions of the NWMB that are recommended to the Minister with respect to harvesting, must only restrict or limit Inuit harvesting to the extent necessary to affect a valid conservation purpose, give effect to the allocation system or to other provisions outlined in the Agreement, or provide for public health or safety.

The *Fisheries Act* applies in the NSA and its definition of “fish” includes marine mammals. DFO works closely with co-management partners on fisheries protection issues, particularly in relation to significant development projects. DFO’s Conservation and Protection officers monitor marine mammal harvests in communities through co-management engagement.

DFO has a strong collaborative relationship with the Government of Nunavut in pursuing science initiatives. Marine mammal monitoring in the NSA is ongoing (e.g. of narwhal, bowhead, beluga, walrus and seals).

DFO's Species at Risk Program advises the NWMB regarding species in the Territory that could be listed under the *Species at Risk Act* and provides Nunavut Hunter and Trapper Organizations and the fishing industry with information regarding proposed listings.

Please see Annex B, Item 4 (at pages 22 to 26) to this document for additional information on: Atlantic walruses in Foxe Basin; DFO's Fisheries Protection Program; the draft Integrated Fisheries Management Plan for Atlantic Walrus in the Nunavut Settlement Area; and the provision on marine mammal disturbance in the Marine Mammal Regulations under the *Fisheries Act*.

Preferred Option

The Government of Canada supports option 2 proposed by the Commission, with a modification. Option 2 proposed by the Commission is: "Consider removing the Term related to cumulative impacts and replace the Special Management Areas with a Mixed Use designation that would provide Direction to Regulatory Authorities". The modification to this option that is recommended by the Government of Canada is that "direction to Regulatory Authorities" be replaced by "information for decision-makers". *

The implications of the second option noted by the Commission are that walrus haul-out areas would move from Schedule A to Schedule B and that all uses would be permitted. Information for decision-makers would note that, where appropriate, impacts on walrus haul-outs be mitigated.

The Government of Canada notes that as additional scientific and traditional knowledge becomes available that informs approaches within the Nunavut Land Use Plan to minimize disturbance of walrus at and near haul-out sites, terms and conditions with respect to some uses may be appropriate.

* Please note the Government of Canada's previous recommendation that the items presently presented in the draft land use plan as "direction to regulatory authorities" should be recast as "information for decision-makers". This item is addressed in section 2.19 below.

2.2 Polar Bear Denning Areas

Issue and Discussion

The issue identified in the Refinements document is whether polar bear denning areas should be designated as Protected Areas in the Nunavut Land Use Plan.

While Canada has international polar bear obligations, the day to day management of the polar bear in Nunavut is the responsibility of the Government of Nunavut. Therefore, while Canada is supportive of efforts that conserve polar bear populations, we consider the specifics of proposing specific designations or zoning of polar bear habitat under the Nunavut Land Use Plan as the responsibility of the Government of Nunavut. Canada will provide the Government of Nunavut with polar bear denning and other habitat information held by ECC, to assist them in their decision making progress.

Preferred Option

At this time, the Government of Canada will confirm that the Government of Nunavut has polar bear denning and other habitat information held by ECC. The Government of Nunavut can then provide the appropriate polar bear denning and other habitat information to the Nunavut Planning Commission, along with recommendations on what, if any, activities restrictions should be imposed on those areas.

2.3 Sabine Peninsula

Issue and Discussion

The issue identified in the Refinements document is whether the Sabine Peninsula should be designated as a Protected Area in the Nunavut Land Use Plan.

Peary caribou are listed as an endangered species under the federal *Species at Risk Act*, but the day to day management of the species resides with the Government of Nunavut. Using the precautionary approach, the Government of Canada would agree that Peary caribou warrant important consideration under the Nunavut Land Use Plan. However, the specifics of identifying particular habitats or designating specific areas that are important to Peary caribou (e.g. Sabine Peninsula), as well as how those areas could or should be zoned under the Nunavut Land Use Plan, is the responsibility of the Government of Nunavut.

Preferred Option

Option 2: Until work is advanced under the *Species at Risk Act*, the Government of Canada recommends the Government of Nunavut provide relevant Peary caribou habitat information to the Nunavut Planning Commission, along with recommendations on what, if any, restrictions should be imposed on those important areas.

2.4 Caribou Habitat

Issue and Discussion

The issue identified in the Refinements document is how caribou habitat should be treated in the Nunavut Land Use Plan.

In light of the allocation of jurisdiction over game animals under the *Nunavut Act*, the co-management approach of the Nunavut Land Claims Agreement, and the importance of the issue to Inuit, Canada thinks it appropriate that the Government of Nunavut, Nunavut Wildlife Management Board and Inuit lead the input on this issue.

The Government of Canada through the Minister of Indigenous and Northern Affairs Canada does have responsibilities for land and resource management in Nunavut, and on December 10, 2015, the President of the Kivalliq Wildlife Board wrote to the Minister of Indigenous and Northern Affairs Canada requesting a temporary moratorium on issuing prospecting permits, mineral claims, mineral leases and land use permits in caribou calving grounds, until there is a final Nunavut Land Use Plan. Letters of support were also submitted by the Beverly Qamanirjuaq Caribou Management Board and the World Wildlife Fund. A similar letter from the Nunavut Wildlife Management Board was sent on April 19, 2016. On March 23rd, the Minister of Indigenous and Northern Affairs Canada responded to the request and directed her officials to engage and seek the views of the Government of Nunavut and the Nunavut Tunngavik Incorporated on a temporary moratorium on issuance of authorizations on caribou calving and post calving grounds before a decision will be made. This work has begun and is in initial stages.

Preferred Option

N/A.

2.5 Migratory Bird Setbacks

Issue and Discussion

The issue identified in the Refinements document is how the migratory bird setbacks in Table 2 to the draft Nunavut Land Use Plan should be implemented.

The Government of Canada recommends that the Commission consider making the migratory bird setbacks a condition of conformity in the Nunavut Land Use Plan. Environment and Climate Change Canada (ECCC) will provide geospatial delineation of specific setback locations within each key bird habitat site. This will allow the NPC to determine whether the setbacks are met during conformity determination. The data provided in the Map Book of Key habitat Sites for Migratory Birds (Annex A) will inform Table 2: Migratory Bird Setbacks of the draft Nunavut Land Use Plan.

Preferred Option

Option 1: Consider making the migratory bird setbacks as presented in Annex A conformity requirements of the Nunavut Land Use Plan. ECCC will provide geospatial delineation of specific setback locations within each key bird habitat site. The Commission will be able to cross-reference these with spatial descriptions provided by proponents to determine whether the setbacks are met during the conformity check.

This recommendation is premised on the assumption that the NPC will revise the conformity requirements to avoid any direct regulation of harvesting methods, which we recommended in our previous submission.

2.6 Proposed National Park in the Bluenose Lake Area

Issue and Discussion

The issue identified in the Refinements document is whether the Bluenose Lake area should be designated as a Protected Area in the Nunavut Land Use Plan.

In the absence of support from the Kitikmeot Inuit Association and the community of Kugluktuk, the Parks Canada Agency will not pursue the expansion of Tuktut Nogait National Park into Nunavut at this time.

Parks Canada remains open to discussing a refined park boundary, which would protect caribou habitat, the headwaters of rivers which flow into the existing portion of the park, and increase coastal representation of the Tundra Hills Natural Region as identified in the National Parks System Plan. Parks Canada remains open to discussing new National Parks, National Marine Conservation Areas, or National Historic Sites with interested stakeholders.

Preferred Option

Option 1 - Consider removing the Protected Area designation and replacing it with a Mixed Use designation.

2.7 Conservation Areas

Issue and Discussion

The issue identified in the Refinements document is whether Conservation Areas should be designated as Protected Areas in the Nunavut Land Use Plan.

The Government of Canada has a variety of legislative tools that provide conservation measures across Nunavut, including National Wildlife Areas, Migratory Bird Sanctuaries, National Historic Sites, etc. The Government of Canada recognizes that except in established National Historic Sites administered by the Parks Canada Agency (where the NLUP does not apply), the Nunavut Land Use Plan may include similar or additional restrictions to Conservation Areas. The Government of Canada recommends that any additional measures applied under the Plan to areas that have legislated protection be complementary measures that are not in conflict with federally legislated protection.

In addition, the Government of Canada is recommending the use of the term “Conservation Zone;” as is used in Northwest Territories regional land use plans (Sahtu, Gwich’in Land Use

Plans). The term “Protected Areas” may connote an area that is protected, in the long term, by government legislation that has been developed specifically for that purpose.

Preferred Option

Option 3 - Consider maintaining the Protected Area designation (for areas including National Wildlife Areas, Migratory Bird Sanctuaries, Thelon Wildlife Sanctuary and Historic Sites), recognizing that the NLUP may impose prohibitions that exceed standards and protections provided by regulations.

In addition, the Government of Canada recommends use of the designation “conservation zone” in place of the designation “protected area.”

2.8 Heritage Rivers

Issue and Discussion

The issue identified in the Refinements document is how Heritage Rivers should be designated in the Nunavut Land Use Plan.

A Canadian Heritage Rivers System (CHRS) designation itself does not require specific protected land use designations but rather identifies rivers with natural, cultural, and recreational heritage in an effort to highlight their value.

The Government of Canada agrees with the Commission in its June 2014 Options and Recommendations document that the direction provided in the management plan for each heritage river should be the guiding principle when determining the land use designations and applicable terms and directions to apply in those zones. This information should be viewed in concert with the values and interests identified by communities and planning partners where that information exists. If the associated management plans, and biophysical and traditional knowledge supports a protected area or special management status for Heritage Rivers, these should be included within the draft Nunavut Land Use Plan for consideration. Where there is sufficient and specific information to justify prohibitions or conditions, the Commission should develop appropriate restrictions, and clearly identify those land use restrictions as such. When this information does not exist, a mixed use land use designation is justified.

While setbacks are a reasonable means of identifying the riparian zones of river systems and applying land use restrictions or the application of terms and directions on a spatial basis where reasonably supported by management plans or value identification as discussed above, the Government of Canada is not in support of default setbacks for all heritage rivers with a requirement for a minor variance as proposed in option 2.

The Government of Canada is recommending cumulative impact referrals be removed from Nunavut Land Use Plan as a Term of the Plan. The Commission’s option 1, removing the Term

regarding cumulative impact referrals, would have the effect of replacing the Special Management Area with a Mixed Use Area designation where all land uses would be permitted for the Kazan Heritage River and the Thelon Heritage River. The Soper Canadian Heritage River Management Area would remain a protected area designation given that it supports the management of Katannilik Territorial Park and reflects the uses anticipated and direction provided in the Soper River Management Plan as outlined in the Commission's June 2014 Options and Recommendations document.

Preferred Option

Option 1: Consider removing the Term related to cumulative impacts referrals and replace the Special Management Areas with a Mixed Use designation except where a special management zone with applicable terms and directions is warranted. This may result in a variety of land use designations, terms, and directions between Heritage Rivers and even within the expanse of a single heritage river.

As an example, the Gwich'in Land Use Plan has utilized a combination of general use zone, special management zone, and conservation zone for segments of the Arctic Red River with a heritage river status. The special management zone includes conditions to protect specific values considered the primary reasons for designation of the zone. The varying zones and conditions are based on the values identified and the levels of protection anticipated to ensure those values are protected.

2.9 Areas of Equal use and Occupancy

Issue and Discussion

The issue identified in the Refinements document is whether Areas of Equal Use and Occupancy should be designated as Protected Areas in the Nunavut Land Use Plan.

Under Article 40 of the Nunavut Land Claims Agreement and Article 27 of the Nunavik Inuit Land Claims Agreement, the Commission needs to take into account the joint ownership and interests when considering land use designations on areas of equal use and occupancy. Given the importance of Inuit ownership of these areas, it is appropriate that Nunavut Tungavik Incorporated, Qikiqtani Inuit Association and Makivik Corporation lead the input on this issue.

Preferred Option

N/A.

2.10 Community Drinking Water Supply Watersheds

Issue and Discussion

The issue identified in the Refinements document is whether the Nunavut Land Use Plan should include additional conditions for the protection of Community Drinking Water Supply Watersheds.

The Government of Canada recognizes the importance of watersheds and particularly those that supply community drinking water. While the Government of Canada would support the future development of land-use plan based conditions to provide for the protection of community drinking water supplies, it is not clear that all the necessary information is available to proceed with the development of protections without significantly expanding the work to be done on the first-generation land use plan. Even without being addressed in the current Land Use Plan, the Nunavut Water Board consistently considers community water supply protection within its licensing process, and effectively protects this important resource. Therefore this issue may be more appropriately addressed in the next generation of the Nunavut Land Use Plan. The process to delineate community watersheds and develop conditions to protect drinking water supplies must of course include significant input from the Nunavut Water Board, the Government of Nunavut, and Nunavut municipalities.

Preferred Option

Option 1: Consider removing the Term related to cumulative impacts referrals and replace the Special Management Areas with a Mixed Use designation that would provide information to decision makers.*

The Nunavut Land Use Plan should indicate that community drinking water supply watersheds are a priority for the second generation of the Plan.

* Please note the Government of Canada's previous recommendation that the items presently presented in the draft Nunavut Land Use Plan as "direction to regulatory authorities" should be recast as "information for decision-makers". This item is addressed in section 2.19 below.

2.11 Department of National Defence Sites (Operational, remediated and un-remediated sites)

Issue and Discussion

The issue identified in the Refinements document is how Department of National Defence (DND) sites should be treated in the Nunavut Land Use Plan.

The DND will require additional time to assess the current restrictions in the draft Nunavut Land Use Plan to ensure the current land use designation does not go beyond the required protection. DND would like to avoid creating prohibitions on land uses where possible. DND is

committing to providing the spatial data that captures its land definitions and list activities that could potentially interfere with the department's mission and mandate.

For non-prohibited activities, DND would like to see the Land Use Plan require that an appropriate official be contacted directly by a proponent prior to commencing their project. This would satisfy the balance between foreclosing upon future uses while still giving DND the opportunity to work with proponents to shape their projects so as to minimize impact. Therefore, DND's preferred approach would be to grant permission where possible but with a condition that the proponent must contact DND, Infrastructure and Environment Group no less than forty-five (45) days prior to commencing their activities in the identified areas. This is permissible under the authority of section 48(2) of *Nunavut Planning and Project Assessment Act* (NUPPAA).

In addition, the Joint Seismic Research Facility (JSRF) located in Cambridge Bay needs to be delineated within the Land Use Plan. In addition, DND will delineate a sub-portion of the JSRF and request that prohibited activities such as blasting, drilling, milling or heavy equipment operation do not occur on this portion. DND will continue to refine the list of prohibited activities contemplated within the JSRF boundary and will also provide spatial data file that represents the defined lands.

Preferred Option

DND will provide spatial data that represents the DND sites with a proposed list of prohibited activities in a timely manner. All other non-prohibited activities would require DND be notified 45 days prior to activity. The JSRF should be delineated in the Nunavut Land Use Plan with conditions as to be provided by DND.

2.12 INAC Contaminated Sites (Remediated and un-remediated sites)

Issue and Discussion

The issue identified in the Refinements document is how INAC identified contaminated sites should be treated in the Nunavut Land Use Plan once they are remediated. An updated list of applicable INAC contaminated sites will be provided in a timely manner.

The Government of Canada considers contaminated sites that have yet to be completely remediated should also be addressed in the Nunavut Land Use Plan so as to facilitate the potential remediation of those sites.

The current land use designation for contaminated sites seems to be appropriate for contaminated sites still in need of remediation. Limiting uses except remediation and monitoring activities would ensure the site will be accessible with as few obstacles as possible, and would be conducive to their remediation when time comes.

However, in respect of contaminated sites that are considered to have been remediated, the prohibition on all uses but for remediation and monitoring activities goes beyond the required protection. The Government of Canada considers contaminated sites, once remediated, should become open to future uses with as little restrictions as possible. Restrictions should be aimed at activities that may disturb engineered structures and controls on the site such as drilling, blasting, moving and using heavy equipment, watercourse retraining, large landing pads. Of course, if such activities pursued in the context of site monitoring activities or further remediation, they should be allowed.

Preferred Option

The Government of Canada's preferred approach would be:

- a) in respect of contaminated sites not yet completely remediated, to limit uses except remediation and monitoring of the sites (INAC will provide the list and spatial area of the sites);
- b) in respect of contaminated sites considered remediated by INAC, to permit all uses except uses not related to remediation and site monitoring that would may affect engineered structures and controls such as drilling, blasting, moving and using heavy equipment, watercourse retraining, large landing pads. INAC will continue to refine the list of places and activities that should be restricted;
- c) in respect of both remediated and un-remediated INAC would request that proponent must contact the Nunavut Regional Office of INAC, Land Administration Unit no less than 45 days prior to commencing their activities in the identified area.

2.13 IQ Incorporation

Issue and Discussion

The issue identified in the Refinements document is how the Nunavut Land Use Plan should reflect community priorities and values and community areas of interest.

The Nunavut Land Use Plan must be reflective of the social, cultural, environmental and economic endeavours of the human community, with a primary focus on the principles and objectives for land use planning in the Nunavut Land Claims Agreement. As a general proposition, the plan should provide an appropriate balance of cultural awareness and technical expertise to allow for the development of planning policies, priorities and objectives regarding the conservation, development, management and use of land in the Nunavut Settlement Area. However, these potential designations have yet to be developed by the Commission. New potential designations will have to be reviewed as they are incorporated into the next version of the draft plan.

Preferred Option

While we support incorporating the community priorities, values and areas of interest into the plan, new designations will require a case by case consideration.

2.14 Transboundary Considerations

Issue and Discussion

The issue identified in the Refinements document is whether the Nunavut Land Use Plan should identify priority transboundary considerations or provide more general guidance.

The draft Nunavut Land Use Plan should be clear in its scope and its application only to projects within the NSA. It should be equally clear that projects outside of the NSA are not affected by the Nunavut Land Use Plan. However, projects outside of the NSA should be considered in the Commission's assessment of cumulative impacts when it looks at project proposals inside the NSA. In addition, the Nunavut Land Use Plan should not direct government to consider requesting the Nunavut Impact Review Board to review transboundary projects. These authorities are captured under the Nunavut Land Claims Agreement and the *NUPPAA*.

Preferred Option

Clarify the scope of the draft Nunavut Land Use Plan, both within and outside the NSA.

2.15 High Mineral Potential

Issue and Discussion

The issue identified in the Refinements document is whether areas of high mineral potential should be designated as Mixed Use Areas in the Nunavut Land Use Plan.

The Government of Canada supports the delineation of areas of known mineral potential within the Nunavut Land Use Plan, but prefers not to have restrictions on alternate uses. It is not certain that all types of tourism facilities for any length of time would be inconsistent with areas of high mineral potential. Further, new conservation areas should not be restricted in areas of high mineral potential if they meet the necessary requirements for conservation. For these reasons, the restrictions currently proposed should be removed.

The Government of Canada will work with the Government of Nunavut, Nunavut Tunngavik Incorporated, the three Regional Inuit Organizations, the Canada-Nunavut Geoscience Office, and the Nunavut Chamber of Mines to re-evaluate and possibly update the information on areas of known mineral potential. This working group will review the information, methodology and associated materials used to develop areas of known mineral potential and make suggestions as needed.

Concerns have been raised that the draft Nunavut Land Use Plan use of the term "high mineral potential" may understate the potential of areas not within the planning zone. Therefore, further consideration should be given to better represent the prospective mineral potential in Nunavut. It is recommended that the term "Evidenced Mineral Potential" would better reflect the present mapping provided by the Government of Canada.

Preferred Option

Option 2: Remove the prohibitions associated with the high mineral potential Special Management Area, and replace with a Mixed Use designation. The Nunavut Land Use Plan should continue to geospatially delineate the areas of high mineral potential, but under a different label.

2.16 Linear Infrastructure Corridors (Terrestrial)

Issue and Discussion

The issue identified in the Refinements document is how to plan for transportation and other terrestrial linear infrastructure corridors in Nunavut within the Nunavut Land Use Plan.

Transportation infrastructure should conform to the requirements of the Draft Plan in all areas of the Nunavut Settlement Area except where explicitly prohibited. Where a zone would explicitly prohibit the development of transportation infrastructure, the plan should ensure that it does not foreclose the development of presently known and desirable transportation infrastructure initiatives. In instances where transportation projects are known and desirable but transect zones that would otherwise prohibit linear infrastructure, efforts should be made to delineate a corridor through that zone to allow for the project.

Preferred Option

Option 1: Consider maintaining approach where transportation infrastructure conforms to the requirements of the Plan in all areas of the Nunavut Settlement Area except where explicitly prohibited. In zones where transportation infrastructure would be prohibited, in order to ensure the prohibitions do not impede the development of known and desirable linear infrastructure projects, efforts should be made to delineate a corridor through that zone to allow for the project.

2.17 Linear Infrastructure Corridors (Marine)

Issue and Discussion

The issue identified in the Refinements document is how to plan for transportation and other marine corridors in Nunavut within the Nunavut Land Use Plan.

The draft Nunavut Land Use Plan needs to be developed and applied in a way that recognizes the existing regulatory framework which reflects Canada's international obligations with respect to shipping and navigation. The Government of Canada sees prohibitions on shipping as a last resort once all other available tools are examined.

That said, the Government of Canada has heard the strong desire of some participants in the land use planning process to put in place additional measures to control where vessels go. The

concerns we have heard primarily involve the avoidance of environmentally sensitive areas, disturbance to certain species and to the harvesting of those species. The Government of Canada is open to exploring options to address these concerns. A wide range of binding and non-binding tools can be considered. It is important to note that not every issue raised within the planning process would necessarily be addressed in the same way.

Choosing the most appropriate tool to address concerns caused by shipping will almost always depend on the goal of a particular control and the nature of the waters in which it will be applied. In order for the Government of Canada to adopt or support binding rules designed to influence or control the movement of vessels, further input from stakeholders that would be impacted is of critical importance. This means that active northern shippers and the customers that depend on the delivery of their cargo need to know what the potential new controls might be, and have an opportunity to consider how they may be affected if they were adopted. This additional input is required to understand the options or alternatives available, to address marine concerns, and to minimize unintended consequences.

For example:

- will the avoidance of one area or one time period have any negative effect on safety?
Are the physical conditions, such as bathymetry, well-known in the alternate route?
- what would be the impact on resupply schedules and cost for fuel, food, construction materials, etc?
- is the alternate route (or alternate timing) likely to cause disturbance to other species or other activities such as harvesting?

It is essential to stress the need for a deliberate and well-consulted approach to the introduction of any new approaches to the influence or control of vessel operation. Where it might be appropriate to adopt controls to affect where vessels can go, it would be challenging to do so without first carefully and fully assessing the implications.

The Government of Canada recommends that the Commission continues to bring relevant marine stakeholders together to discuss how to address concerns with marine shipping in a manner that will not have unintended negative safety, social and economic impacts.

Preferred Option

The Government of Canada prefers that before revisions are made to the marine shipping provisions in the next draft of the Nunavut Land Use Plan, the Commission would continue to bring relevant stakeholders together to discuss options to address concerns with respect to marine shipping that have been identified through the land use planning process. If this is not feasible, the Government of Canada encourages that the Commission undertakes this work

early in the next stages of plan development so that the pros and cons of various approaches can be well in advance of the proposed final hearing.

The Government of Canada can also assist in identifying relevant industry members, stakeholders, and government departments that should be involved in the process. We expect that the Government of Nunavut might be able to assist with identifying the purchasers of bulk volumes of goods.

2.18 Existing Rights

Issue and Discussion

The issue identified in the Refinements document is whether projects with existing rights should be required to conform to the Nunavut Land Use Plan if there is a significant modification to the project, including the advancement from mineral exploration to mine development.

The Government of Canada would like to formally retract its December 2015 discussion paper on existing rights. In consideration of the discussions and concerns raised by other participants in this process and in particular by NTI, it is clear that the clarification paper did not fit well with provisions of the *NUPPAA*.

The draft Nunavut Land Use Plan will need to reconcile competing values of stability and predictability of regulatory regime on the one hand with the fact that a new land use plan is intended to bring about important changes. One way that these changes are addressed is by transition provisions of *NUPPAA* (s.235). The provisions are prescriptive and determine how a new plan affects both potential and existing projects.

Another way to reconcile predictability and change is by making sure that Commission is aware of existing and potential projects that might be affected by a new plan and ensuring they carefully consider how the new plan might affect those things. Under section 58 of the *NUPPAA*, the Commissioners have the ability and the duty to weigh – among all the other things they must consider – tailoring the draft plan's provisions to ensure that impact of a plan on existing rights or interests are identifiable, reasonable and justifiable.

Preferred Option

With the Government of Canada's retraction of the December 2015 discussion paper on existing rights, the Commission must continue to consider existing rights and interests as described under *NUPPAA* s. 58 in the development of the draft plan. The Commission should intensify efforts to ensure that parties with existing rights that might be affected by the plan are aware of and able to participate in the planning process.

2.19 Direction to Regulatory Authorities

Issue and Discussion

The issue identified in the Refinements document is whether Direction to Regulatory Authorities should be refined to clarify the intent.

Where there is sufficient and specific information to justify either prohibitions or terms and conditions attaching to permitted uses, the Commission should develop appropriate restrictions, including prohibitions on activities and/or conditions for conformity of projects, and clearly identify those land use restrictions as such. In areas where there is not enough available information to justify land-use restrictions, it may still be useful for the plan to signal specific information, considerations or concerns. For those situations, Canada recommends changing the wording from “Direction to Regulatory Authorities” to “Information for Decision-makers”. This should be done in a manner that respects the independence of other decision-makers, without unduly treading on the legitimate jurisdiction of the NIRB, the NWB or other regulatory authorities, or assuming that they will not fulfil their respective mandates.

Preferred Option

Option 2: Consider changing the wording from “Direction to Regulatory Authorities” to “Information for Decision-makers”. For example, “The value of (*identified issue*) should be given particular consideration in the screening and review of project proposals within this area.”

2.20 Cumulative Impacts Referrals

Issue and Discussion

The issue identified in the Refinements document is whether the Nunavut Land Use Plan should identify areas where there may be concerns regarding cumulative impacts.

Including cumulative impact referrals as a general term throughout Table 1 appears to be redundant and may actually lead to the misinterpretation that it is only with respect to those areas already noted where, due to cumulative impact concerns, the Commission might refer a project to NIRB for screening.

Preferred Option

Option 1: Consider removing cumulative impact referrals as a Term of the plan. It may also be useful for the plan to set out a general approach to how the Commission will go about considering cumulative impact referrals. However we recommend that the Commission avoid being too procedurally prescriptive in the plan, otherwise it may not be able to refine and evolve its approach without a plan amendment.

2.21 Overlapping Designations

Issue and Discussion

The issue identified in the Refinements document is how the Nunavut Land Use Plan should treat areas where two or more designations intersect.

The Government of Canada has no issue with having multiple designations overlapping as long as all the requirements of the overlapping designations do not conflict in the legal sense, meaning that complying with obligations of one designation would require the violation of another.

Preferred Option

In the absence of any obviously better approach, multiple designations should be allowed.

2.22. Accessory Uses

Issue and Discussion

The issue identified in the Refinements document is whether “accessory uses” should be excluded from conformity determinations.

It is not clear that the use of a catch-all concept like “accessory uses” is necessary in the draft plan. This technique is useful only where specified uses are permitted and everything else is prohibited. In any case, regardless of how the plan is drafted, no uses that fall within the definition of “project” under the NUPPAA can be excluded from conformity determinations.

It may be that the Commission develops some zones that prohibit all uses unless the use is explicitly permitted. In such a zone, it may be necessary to consider how to address uses that are unmentioned but are incidental to a permitted use. Any thinking on this issue must take into account that under the NUPPAA, the principal use and all planned incidental uses are to be scoped as a single project, and assessed for conformity as such, NUPPAA s. 76(3). In the absence of by-laws or rules for the form and content of descriptions of projects (NUPPAA s. 17(1)(e)), it is not yet clear how this will work in practice.

Preferred Option

Option 3 – At least on an interim basis, eliminate accessory uses from the Nunavut Land Use Plan. If it becomes likely that there will be zones where all non-listed uses are prohibited, reconsider this issue. Ensure that the Commission’s by-laws and rules keep pace with and work with the drafting approach of the plan.

Annex A - Updated Map Book of Key Habitat Sites for Migratory Birds

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Annex B – Information in Follow-up to Discussions at the Marine Shipping Meeting

The following section provides some additional information and responses from the Government of Canada in follow-up to the discussions around many of the land-use planning issues that were addressed during the Marine Shipping Workshop of April 8, 2016. Each subject heading identifies the issue that was raised by the Commission.

1. Polynyas (including any available information as to dates that polynyas may need protection and what protections may be required)

Polynyas serve a critical ecological function for marine wildlife in Nunavut including birds such as pelagic seabirds, coastal sea ducks, and to a lesser extent, gulls and loons. They provide open water for birds in areas otherwise covered in sea ice during the winter (e.g. in Baffin Bay), enabling them to secure food. In spring, they also serve a similar function for returning migrants. In years when polynyas do not open on time, or where they close up unexpectedly, mass starvations of marine birds have been recorded. This is dramatic evidence of their ecological importance.

Polynya and ice edges also drive spring productivity of marine ecosystems in the arctic. The breakup of the sea ice and the disintegration of the under-ice (sympagic) algae community (and that falling into the water column) serves as an initial feeder to the pulse of productivity. That initial pulse of food then is the sparkplug to overall productivity, promoting the acceleration of marine food web in the spring.

At the same time, the ice edges clearly permit key access to the main sympagic algae community upon which the zooplankton feed upon which the cod feed, upon which the early migrant birds feed ... so this is a predictable and important food source that is timed (in an evolutionary sense) with migration. Disrupting that process has a second, negative effect beyond losing the ice algae start.

The protection dates for polynya are self-defining. As long as a polynya persists, it is critical habitat for marine birds. When the surrounding sea ice breaks up, the polynya disappears and birds are free to disperse, rest and feed over a much larger marine area. The locations of major polynya in Nunavut are well known to both northerners, scientists and those interested in habitat protection (though the exact location of their margins and timing vary from year to year; see attached document).

Key polynya of importance to marine birds and suggested conservation measures are found in ECCC's revised 'mapbook' (Annex A).

2. Seal pupping/denning areas (including any available information, data sets and maps)

Fisheries and Oceans Canada (DFO) is not able to provide the Commission with maps setting out seal denning density in the Nunavut Settlement Area at this time, but the department does plan to survey the Navy Board Inlet- Milne Inlet- Eclipse Sound area in June 2016.

Regarding preferred habitat for seal denning, DFO advises that seal denning is largely restricted to landfast ice with pressure ridges and sufficient snowfall.

3. Whales (including any available additional information, data sets and maps)

a) An update to the 2009 population estimate for belugas in Cumberland sound is provided by the DFO Canadian Science Advisory Secretariat (CSAS) Research Document 2016/037 Central and Arctic Region *"Estimate of Cumberland Sound beluga population size from the 2014 visual and photographic aerial survey"*. Belugas in Cumberland Sound have been designated as threatened by the Committee on the Status of Endangered Wildlife in Canada, due to a possible decline in abundance. The 2014 survey included a photographic survey of Clearwater Fiord (a small inlet in the northwest corner of Cumberland Sound known to be an area where belugas aggregate in the summer months) and a visual survey of the northern and western parts of Cumberland Sound.

Marcoux, M., Young, B.G., Asselin, N.C., Watt, C A., Dunn, J.B., and Ferguson, S.H. 2016. Estimate of Cumberland Sound beluga (*Delphinapterus leucas*) population size from the 2014 visual and photographic aerial survey. DFO Can. Sci. Advis. Sec. Res. Doc. 2016/037. iv + 19 p.

b) Information on measures for mitigating potential effects of seismic noise on whales is provided by *"Spatial restrictions and temporal planning as measures to mitigate potential effects of seismic noise on cetaceans: a working example from the Canadian Beaufort Sea, 2007-2008"*.

The Statement of Canadian Practice on the Mitigation of Seismic Sound in the Marine Environment (SOCP) (DFO 2008) specifies the minimum mitigation requirements to be met during marine seismic surveys in Canada, but additional mitigation may sometimes be necessary. <http://www.dfo-mpo.gc.ca/oceans/documents/seismic-sismique/seismic-sismique-eng.pdf>

c) The document at the link below presents a mitigation strategy specific to the Canadian Beaufort Sea that included spatial restrictions and temporal planning around critical marine mammal habitat. The mitigation strategy established more restrictive mitigation procedures within localized bowhead feeding areas to minimize the risk of injury to feeding whales, while not constraining industrial activity in areas unlikely to attract feeding whales.

Harwood, L., Joynt, A., Kennedy, D., Pitt, R., and Moore, S. 2009. Spatial restrictions and temporal planning as measures to mitigate potential effects of seismic noise on cetaceans: a working example from the Canadian Beaufort Sea, 2007-2008. DFO Can. Sci. Advis. Sec. Res. Doc. 2009/040. iv + 14 p.

<http://www.dfo-mpo.gc.ca/Library/338816.pdf>

d) An evaluation of whether minimum mitigation requirements for seismic surveys near the habitat of whale species at risk met *Species at Risk Act* requirements is summarized in the Science Advisory Report: "*Review of Mitigation and Monitoring Measures for Seismic Survey Activities in and near the Habitat of Cetacean Species at Risk*".

DFO. 2015. Review of Mitigation and Monitoring Measures for Seismic Survey Activities in and near the Habitat of Cetacean Species at Risk. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2015/005.

http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2015/2015_005-eng.pdf

e) The Fisheries and Oceans Canada (DFO) Canadian Science Advisory Secretariat (CSAS) Habitat Status Report 2004/002 "Review of Scientific Information on Impacts of Seismic Sound on Fish, Invertebrates, Marine Turtles and Marine Mammals" concludes from the evidence available that seismic sounds in the marine environment are not completely without consequences nor are they certain to result in serious and irreversible harm to the environment.

DFO, 2004. Review of Scientific Information on Impacts of Seismic Sound on Fish, Invertebrates, Marine Turtles and Marine Mammals. DFO Can. Sci. Advis. Sec. Habitat Status Report 2004/002.

http://www.dfo-mpo.gc.ca/csas/Csas/status/2004/HSR2004_002_e.pdf

f) Updated Review of Scientific Information on Impacts of Seismic Survey Sound on Marine Mammals, 2004-present (2008)

This report provides an updated review of recent scientific information on the effects of seismic survey sound from airguns on marine mammals. The types of impacts reviewed closely follow those outlined in the original CSAS Habitat Status Report (2004/002) and include mortality and physical effects, direct behavioural effects, functional consequences of physical and behavioural effects, chronic effects, and indirect effects.

DFO. 2009. Updated Review of Scientific Information on Impacts of Seismic Survey Sound on Marine Mammals, 2004-present. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2008/087.

http://www.dfo-mpo.gc.ca/csas-sccs/publications/resdocs-docrech/2008/2008_087-eng.htm

4. Walrus Haul-outs (including any additional information pertaining to disturbance of walrus by smaller vessels)

The following provides some additional information on Atlantic walrus and on the management of Atlantic walrus in the Nunavut Settlement Area.

a) Fisheries Management

As noted in 2.1 of this document, Fisheries and Oceans Canada (DFO) manages fisheries and oceans resources in Nunavut in cooperation with co-management partners under the Nunavut Land Claim Agreement.

In the management of fisheries, established fisheries management principles and DFO policies apply. These take into account the principles of conservation and the Precautionary Approach. DFO presented the Draft Integrated Fisheries Management Plan for Atlantic Walrus in the Nunavut Settlement Area to the Nunavut Wildlife Management Board (NWMB) for approval on March 15, 2016 (please see further information, below, and link to the draft walrus plan).

Additional safeguards for fisheries are found in the *Fisheries Act*, which requires that projects avoid causing serious harm to fish unless authorized by the Minister of Fisheries and Oceans Canada. This applies to work being conducted in or near waterbodies that support fish that are part of, or that support, a commercial, recreational or Aboriginal fishery. In the *Fisheries Act*, “fish” is defined to include marine mammals.

Here is the “*Fisheries Protection Policy Statement*” (October 2013): <http://www.dfo-mpo.gc.ca/pnw-ppe/pol/PolicyStatement-EnoncePolitique-eng.pdf>

b) Draft Integrated Fisheries Management Plan for Atlantic Walrus in the Nunavut Settlement Area (“draft Walrus Plan”)

The draft Walrus Plan was provided to the Nunavut Wildlife Management Board (NWMB) for approval on March 15, 2016. The NWMB will be holding a written hearing and may make a final decision on the draft at its meeting in June, 2016.

The draft Walrus Plan and relevant information (including reports on consultations) is on the NWMB’s website at this link at TAB 3(e) page 19: <http://www.nwmb.com/en/public-hearings-a-meetings/meetings/regular-meetings/2016/rm001-2016-march-15-2016>

Areas that the draft flags for continued research are the investigation and assessment of potential threats resulting from human activities (e.g., shipping routes, noise disturbance and tourism).

During community consultations in 2011 and 2014 by the walrus working group in connection with the development of the draft Walrus Plan, the priority walrus management concerns identified in each community were the potential impacts from increased shipping and tourism [Arctic Bay, Grise Fiord, Hall Beach, Igloolik, Pond Inlet and Resolute]. This was also a priority concern identified by the six Hunter Trapper Organization (HTO) members of the walrus working group.

The following excerpts from the draft Walrus Plan are noted in connection to discussions on walrus at the April 8th Marine Shipping Workshop:

- two areas that were identified for further research (at page 12) are: “Continue to investigate and assess potential threats resulting from human activities (e.g., shipping routes, noise disturbance, tourism)” and “Determine changes in habitat availability (pack ice and food)”.
- At page 14, “Ship Traffic/Development/Tourism”, the following is noted:

“There are a number of potential impacts and threats to walrus and walrus habitat resulting from increased development and shipping activities. These could include increased oil spills, ship strikes, disruption of migration, avoidance of ecologically or biologically important areas (e.g. birthing, mating or feeding areas), noise disturbance and the introduction of alien or invasive species through activities such as ballast water exchange. Tourism is increasing in the Arctic and concern with increased disturbance to important walrus areas (e.g. haul-outs) has been expressed.”

c) Walrus disturbance and the application of the Marine Mammal Regulations (MMRs) under the *Fisheries Act*

The current Marine Mammal Regulations (MMRs) are of limited use as a tool to address the concerns that were raised at the Technical Meeting on Marine Issues about walrus disturbance from shipping, as the regulations apply only to the management and control of fishing for marine mammals and related activities. The general disturbance prohibition contained in s.7 of the current MMRs is also, therefore, similarly limited to that management and control of fishing and related activities. Section 7 reads: “No person shall disturb a marine mammal except when fishing for marine mammals under the authority of these Regulations.”

Given the limitations of the current MMRs to effectively control various activities that may disturb marine mammals, DFO has proposed amendments that would provide enhanced protection for marine mammals against human disturbances. The proposed amendments aim to balance the conservation of marine mammals with the sustainable development of non-consumptive human activities. The proposed amendments do not affect Aboriginal subsistence hunting and fishing rights.

The proposed regulatory amendments to the MMRs were first published on March 24th, 2012 in the Canada Gazette, Part I. Here is that publication:



Canada Gazette 1
English.pdf



Canada Gazette 1
French.pdf



Canada Gazette 1
Inuktitut.pdf



Canada Gazette 1
Inuinnaqtun.pdf

During that consultation process, Canadians were supportive of the need for clearer, enforceable standards for non-consumptive human activities, including marine mammal watching. The proposed amendments set out a framework of management tools for the protection and conservation of marine mammals. For example, the proposed amendments would:

- expand the scope of the MMRs to include conservation and protection objectives;
- introduce a minimum approach distance of 100 metres to marine mammals;
- introduce alternative approach distances which are tailored to particular circumstances;
- introduce a provision prohibiting flight manoeuvres, including landings, take-offs and changes in the course or altitude of the aircraft, that are intended to bring the aircraft closer to a marine mammal or to otherwise disturb it;
- introduce a provision that would allow the Minister of Fisheries and Oceans to authorize, by licence, activities that may disturb marine mammals, but would otherwise provide benefits to the conservation and protection of the species; and
- introduce a provision that requires the reporting to DFO of any accidental contact with a marine mammal (e.g. entanglements, collisions.)

The proposed MMR amendments would appear to address some of the concerns over walrus disturbance expressed at the April 8th meeting. The following text concerning the proposed approach distances to walrus appears on page 3 of the Canada Gazette publication:

“The principle for determining the approach distance to walrus is related to their possibility to escape without injuring smaller animals. When the animals are on ice with open water on all sides of the ice, the walrus can escape in any direction. If they are on ice from which escape is possible in less than 360 degrees, they are “more trapped” and

the approach distance by people would be greater. When on land, escape routes are further restricted.

The minimum approach distance would be 100 m on water. In this situation, they are most able to respond accordingly (by changing course, or diving).

The approach distance would be increased to 200 m when walrus are hauled out on floating ice, because there is increased risk of injury to calves or smaller animals as adults return to the water.

Finally, the distance would be increased to 300 m when on the shore or on consolidated ice, because they are resting and they have only one escape option (back to water) and the risk is greatest that calves may be trampled.

This also addresses the possibility that walrus may be disturbed by vessels in transit alongside land-based haul-outs. There have been examples of haul-outs being abandoned as a result of increased vessel traffic in the vicinity.”

Please note that the proposed regulatory amendments published on March 24th, 2012 in the Canada Gazette, Part 1, would exempt commercial vessels that are in transit from the proposed Regulations.

In November 2014, DFO sought additional public comment on the proposed amendments to refresh the 2012 public engagement results. The consultations were completed at the end of March 2015. Feedback received from the 2012 and 2015 consultations is under review by Fisheries and Oceans Canada, after which recommendations will be developed for next steps in the process.

d) Additional Information on Walrus in Foxe Basin

Here is a link to a recent DFO report “Estimating abundance and total allowable removals for walrus in Foxe Basin” (Hammill, M.O., P. Blanchfield, J.W. Higdon, D.B. Stewart, S.H. Ferguson. 2016. Estimating abundance and total allowable removals for walrus in Foxe Basin. DFO Can. Sci. Advis. Sec. Res. Doc. 2016/014. iv + 20 p.): http://www.dfo-mpo.gc.ca/csas-sccs/Publications/ResDocs-DocRech/2016/2016_014-eng.pdf

The Government of Canada also advises that DFO is currently finalizing the draft report “Development threats and effects pathways of shipping related to non-renewable resource developments on Atlantic walrus (*Odobenus rosmarus rosmarus*) in Hudson Strait and Foxe Basin”. DFO will provide the report to the Commission upon its release. The report looks at walrus ecology, shipping and related infrastructure and threats pathways and provides a mapping analysis that examines the expected overlap (in space and time) between Atlantic

walrus and shipping and related resource development activities that have potential to affect walruses in Hudson Strait and Foxe Basin.

5. Northern Marine Transportation (including any additional information that the Government of Canada can provide on shipping routes, addressing gaps with respect to bathymetry and navigational aids, and available navigation tools, such as tide tables and the Marine Environmental Handbook)

As stated in Section 2.17 of this document, the Government of Canada is open to exploring options to address concerns related to shipping.

The Northern Marine Transportation Corridors Initiative

In an effort to manage vessels traffic in the Arctic, Transport Canada, Canadian Coast Guard, and the Canadian Hydrographic Service (CHS) are developing the Northern Marine Transportation Corridors Initiative (Corridors). The objective of the Corridors is to determine the appropriate mix of navigational services, infrastructure, knowledge and emergency response services required to meet the changing service demands of mariners across Canada's Arctic. Corridors will be used as the framework to guide northern investments to enhance marine navigation safety in the North, greater predictability for mariners, and reduced risk of incidents. In essence, the Corridors are existing shipping routes within which key navigational information services such as hydrography, icebreaking and aids to navigation would be prioritized. Corridors incentivizes mariners to operate within the corridors where they will receive the greatest level of services for navigation allowing mariners to manage the risks associated with sailing in the Arctic. Corridors are not intended to create restrictions on ship movements.

The Corridors is based off a Risk Matrix, developed by the Coast Guard and the CHS, to identify high risk areas within the Corridors which require immediate services. The Corridors are designed to respond to a variety of variables, such as changes to ice pattern and vessel traffic patterns. Using GIS technology and the appropriate data, CHS is able to lay information over the Corridors, such as environmentally sensitive areas, migration paths of animals, and traditional hunting trails. The Coast Guard is currently collecting traditional knowledge data which can be inputted into the CHS Corridors Risk Matrix. At the moment, Coast Guard and CHS are merging environmental and traditional knowledge data into the Corridors to ensure that environmental and traditional sensitive sites are managed appropriately.

The Coast Guard is committed to further discussions on the Arctic Corridors Initiative with the Commission. Including providing the Commission with a list of all stakeholder engagement meetings on the Corridors Initiative.

The Coast Guard is committed to improving communication with communities during the Arctic navigation season. One way could be through the participation of communities in the Coast Guard's Regional Operations Centre calls. The call informs stakeholders of the movements of icebreakers, summary of icebreaking requests, as well as a weather and ice reports.

Tide Tables

Tide Tables provide predicted heights of the high and low waters at regular time intervals associated with the vertical movement of the tide. The tide predictions are available in table, graphic and text formats for over seven hundred stations in Canada. This information is also available digitally. See the websites below for further details and digital versions:

<http://www.tides.gc.ca/eng/find/region/2>

<http://www.tides.gc.ca/eng/data/predictions/2016#vol4>

The Marine Environmental Handbook

This document, published by Fisheries and Oceans Canada (DFO), is a useful reference for sailors. It provides information on marine environmental issues and concerns in the Northwest Passage.

The handbook describes some areas that have environmental sensitivities due to their importance to activities of northern residents or as habitat for wildlife species. It has information detailing species migration patterns, patterns of wildlife harvest by beneficiaries and sensitive habitat areas, including information as to times when some areas are sensitive to shipping.

The Marine Environmental Handbook is available from the Canadian Hydrographic Service or from Canadian hydrographic chart dealers (DFO. 1999. Marine Environmental Handbook: Arctic Northwest Passage, Fisheries and Oceans Canada and the Canadian Hydrographic Service. ISBN: 0660177587, 9780660177588.)

The Arctic Voyage Planning Guide

Another source of information recently developed by Fisheries and Oceans Canada (DFO), Canadian Hydrographic Service, is the Arctic Voyage Planning Guide (AVPG). The AVPG is designed as a web based planning tool for mariners considering an Arctic voyage. It gathers regulatory information under the Canadian Shipping Act (2001) and the Charts and Nautical

Publications Regulations (1995), as well as complementary data and information from Government of Canada departments whose mandates include the support of safe navigation.

Here are links to the Guide: <http://isdwebdev.chs.gc.ca:8086/eng/Maps/Viewer/20#fc> or <http://geoportal.gc.ca/eng/Maps/Viewer/5#fc>.

Some of the layers in the Guide provide information on ice break-up dates, ice-freeze updates and protected areas. This tool could form the basis for possible future additions including Ecologically and Biologically Sensitive Areas (EBSAs).

Notices to Mariners (NOTMAR) and Notices to Shipping (NOTSHIP) alerts

Exploring how the annually published Notices to Mariners (NOTMAR) and Notices to Shipping (NOTSHIP) alerts can be used to communicate relevant and timely information to the Commission to raise awareness about local ice conditions and uses, important navigational safety matters and best practices for mariners to reduce disturbance to marine mammals.

Shipping in Foxe Basin and Moffet Inlet (including whether alternative shipping routes are available)

Based on available hydrography in Foxe Basin and Moffet Inlet, it is not known if alternative shipping routes are available. Further charting work will need to be done in order to determine whether alternative routes are feasible in Foxe Basin and Moffet Inlet.

6. Proposed Marine Conservation Areas (including any available information on the any proposed marine conservation areas in the Nunavut Settlement Area and Outer Land Fast Ice Zone)

There are several types of federal marine protected areas in Canada, established under different legislations, and managed by different departments.

National Marine Conservation Areas (NMCAs) are designated under the National Marine Conservation Areas Act and managed by the Parks Canada Agency (PCA). NMCAs are geographically defined areas established to protect and conserve marine areas representative of Canada's natural heritage and to encourage public understanding, appreciation and enjoyment of this marine heritage. NMCAs are managed for sustainable use and contain zones of high protection. They include seabed, its subsoil and overlying water column and may encompass wetlands, estuaries, islands and other coastal lands. While activities such as undersea mining, oil and gas exploration and extraction, and ocean dumping are not permitted within the boundaries of NMCAs, most traditional fishing and hunting activities, managed on a sustainable basis, would continue.

There are currently no NMCAs within the Nunavut Settlement Area but there is a proposal for one in the Lancaster Sound area and the PCA may wish to designate new NMCAs within the NSA and Outer Land Fast Ice Zone in the future. The Nunavut Land Use Plan does not apply within the boundaries of an NMCA.

National Parks (NPs) are designated under the Canada National Parks Act and managed by PCA. NPs are geographically defined areas established to protect representative examples of Canada's natural heritage. NPs are set aside to encourage public understanding, appreciation and enjoyment of our natural heritage. Several NPs contain marine areas within their boundaries.

There are currently five NPs within the NSA, all of which contain marine areas. The PCA may wish to designate new NPs within the NSA in the future.

Marine Protected Areas (MPAs) are designated under the Oceans Act by the Department of Fisheries and Oceans Canada (DFO). MPAs are geographically defined zones established to protect and conserve important fish, marine mammals, endangered or threatened marine species, unique habitats and areas of high biological productivity or biodiversity. The MPA regulations identify activities that are prohibited within the MPAs.

There are currently no MPAs within the Nunavut Land Use Plan area but DFO may wish to designate new MPAs within the Nunavut Settlement Area (NSA) and Outer Land Fast Ice Zone in the future.

7. Turbot Areas of Abundance (including how the Plan should address these areas)

The Government of Canada supports the current mixed-use area designation of Turbot Areas of Abundance in the draft Nunavut Land Use Plan. In the management of fisheries, including the fisheries that are within Turbot Areas of Abundance, established fisheries management principles and Fisheries and Oceans Canada (DFO) policies will apply, and these principles and policies take into account the principles of conservation and the Precautionary Approach. Here is a link to the summary of the Integrated Fisheries Management Plan Greenland Halibut (*Reinhardtius hippoglossoides*) - Northwest Atlantic Fisheries Organization Subarea 0 - Effective 2014: <http://www.dfo-mpo.gc.ca/fm-gp/peches-fisheries/ifmp-gmp/groundfish-poisson-fond/halibut-fletan-eng.htm>

Additional safeguards for the fisheries are found in the *Fisheries Act*, which requires that projects avoid causing serious harm to fish unless authorized by the Minister of Fisheries and Oceans Canada. This applies to work being conducted in or near waterbodies that support fish that are part of, or that support, a commercial, recreational or Aboriginal fishery.

8. Ecologically and Biologically Sensitive Areas (EBSAs) (including how the Plan should incorporate EBSA)

The identification of Ecologically and Biologically Significant Areas (EBSAs) is a tool used by Fisheries and Oceans Canada (DFO) to call attention to an area that has particularly high ecological or biological significance. DFO does not use EBSAs as a general strategy to protect all habitats and marine communities that have some ecological significance and EBSAs do not establish prohibitions on activities, including shipping.

EBSAs do, however, facilitate the provision of a greater than usual degree of risk aversion in the management of activities within their areas, and DFO has now completed its reevaluation of the EBSAs in the Eastern Arctic Biogeographic Region of the Canadian Arctic. The science advisory report and proceedings resulting from the DFO regional peer review of that reevaluation are provided for the Commission's information in Annex C & D.

This information on the reevaluation of the EBSAs in the Eastern Arctic bioregion updates earlier DFO information provided to the Commission, which is reflected in the identification of EBSAs on Schedule B to the draft NLUP. The reevaluated EBSAs are smaller in scope and contain more information relating to the EBSA criteria of uniqueness, aggregation and fitness consequences. For example, the Clearwater Fiord EBSA was identified for beluga aggregations and beluga rearing and feeding from late July to late September, and the Isabella Bay EBSA was identified for Bowhead whale feeding from August to October. DFO will provide the Planning Commission with the spatial information (shapefiles) providing mapping information for these refined EBSAs to facilitate updates to the EBSAs currently within the draft Plan.

Annex C – Ecologically and Biologically Significant Areas in Canada's Eastern Arctic Biogeographic Region

Science Advisory Report 2015/049: [http://www.dfo-mpo.gc.ca/csas-sccs/publications/sar-as/2015/2015_049-eng.pdf]

DFO. 2015. Ecologically and Biologically Significant Areas in Canada's Eastern Arctic Biogeographic Region, 2015. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2015/049.

Annex D – Proceedings of the regional peer review of the re-evaluation of Ecologically and Biologically Significant Areas (EBSAs) in the Eastern Arctic Biogeographic Region of the Canadian Arctic

Proceedings 2015/042 : [http://www.dfo-mpo.gc.ca/csas-sccs/publications/pro-cr/2015/2015_042-eng.pdf]

DFO. 2015. Proceedings of the regional peer review of the re-evaluation of Ecologically and Biologically Significant Areas (EBSAs) in the Eastern Arctic Biogeographic Region of the Canadian Arctic; January 27-29, 2015. DFO Can. Sci. Advis. Sec. Proceed. Ser. 2015/042.



Indigenous and
Northern Affairs Canada

Affaires autochtones
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Sharon Ehaloak
Executive Director
Nunavut Planning Commission
PO Box 1797
Iqaluit, NU X0A 0H0

May 20, 2017

LETTER OF AGREEMENT

Indigenous and Northern Affairs Canada (INAC) is prepared to pay for travel and related expenditures for you as a participant from the Nunavut Planning Commission to attend the Nunavut Planning and Project Assessment Act (NuPPAA) Workshop on May 25-26, 2017 in Yellowknife, Northwest Territories.

Specifically, the department agrees to reimburse the following expenses:

- Return airfare from Iqaluit, NU to Yellowknife, NWT. Original receipts are required.
- Accommodation in accordance with Treasury Board Travel Directive and the "within the limit" section of the Hotel Directory for Government Employees. Government rates must be requested and use a copy of this letter to confirm that you are travelling upon Government business:
<http://rehelv-acrd.tpsgc-pwgsc.gc.ca/ACRDS>
- Daily allowance for meals and incidentals as per Treasury Board Travel Directives:
http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/tbm_113/menu-travel-voyage-eng.asp

For your reference, the Treasury Board rates as of April 1, 2017 are as follows:

<u>In NWT:</u>	
Breakfast	\$23.85
Lunch	\$26.60
Dinner	\$57.10
Incidentals (/day)	\$17.30

- Ground transportation

Claims for air travel, accommodation, and ground transportation costs will be reimbursed upon



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receipt of all original receipts. All receipts must accompany your travel expense claim.

Please note the maximum authorized expenditure under this agreement is **\$5,000**.

Please send your claim to me as soon as possible and we will then proceed with reimbursement.

If you agree with these terms and conditions, please sign this agreement and return to myself or Spencer Dewar at your earliest convenience.

Sincerely,

David Rochette
Regional Director General
Nunavut Regional Office

Signature

May 24, 2017

Date

*Released under the Access
to Information Act*

*Communiqué en vertu de la
Loi sur l'Accès à
l'information*

From: Paul Fraser
Sent: 4/11/2016 1:20:18 PM
To: sehaloak@nunavut.ca
CC: Ceporah.Kilabuk@aandc-aadnc.gc.ca
BCC:
Subject: RE: URGENT

Much appreciated

>>> Sharon Ehaloak <sehaloak@nunavut.ca> 4/11/2016 11:50 AM >>>

Here you go!

Respectfully,
Sharon Ehaloak
Executive Director

From: Paul Fraser [mailto:Paul.Fraser@aandc-aadnc.gc.ca]
Sent: April 11, 2016 10:49 AM
To: Sharon Ehaloak <sehaloak@nunavut.ca>
Cc: Ceporah Kilabuk <Ceporah.Kilabuk@aandc-aadnc.gc.ca>
Subject: URGENT

Sharon:

On Friday we got Andrew's file for appointment as Chair. It is based on a recommendation from the Commission dated April 1/16. We are being encouraged to rush the file but as per the NLCA we need to get concurrence from the GN. Can you get us Andrew's up-dated Resume ASAP?



paulf

TEXT.htm



IMAGE.jpeg



Mime.822

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to Information Act*

*Communiqué en vertu de la
Loi sur l'Accès à
l'information*

From: Paul Fraser
Sent: 4/11/2016 10:48:53 AM
To: sehaloak@nunavut.ca
CC: Ceporah.Kilabuk@aandc-aadnc.gc.ca
BCC:
Subject: URGENT

Sharon:

On Friday we got Andrew's file for appointment as Chair. It is based on a recommendation from the Commission dated April 1/16. We are being encouraged to rush the file but as per the NLCA we need to get concurrence from the GN. Can you get us Andrew's up-dated Resume ASAP?



paulf TEXT.htm

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to Information Act*

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l'information*

From: Ceporah Kilabuk
Sent: 4/8/2016 3:03:14 PM
To: sehaloak@nunavut.ca
CC:
BCC:
Subject: Resume - Andrew Nakashuk

Good afternoon Sharon,

Could you please send me a copy of Andrew Nakashuk's most recent resume? Thank you.

Ceporah Kilabuk
Intergovernmental Affairs Officer
Indigenous and Northern Affairs Canada
Nunavut Regional Office
Iqaluit, Nunavut
ceporah.kilabuk@aadnc-aadnc.gc.ca
(867) 975-4515



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to Information Act*

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l'information*

From: Ceporah Kilabuk
Sent: 3/14/2016 4:26:31 PM
To: sehaloak@nunavut.ca
CC: anakashuk@nunavut.ca
BCC:
Subject: Re: FW: Peter Alareak Commissioner appointment

Good News! Mr. Peter Alareak has been reappointed. I've attached a copy of the letter you'll be receiving in the mail.

Other good news, Mr. Putulik Papigatuk and Mr. Charlie Arngak have also been reappointed. I'll forward along Mr. Putulik's letter once I have a copy.

Ceporah Kilabuk
Intergovernmental Affairs Officer
Indigenous and Northern Affairs Canada
Nunavut Regional Office
Iqaluit, Nunavut
ceporah.kilabuk@aandc-aadnc.gc.ca
(867) 975-4515

>>> Sharon Ehaloak <sehaloak@nunavut.ca> 3/13/2016 11:37 AM >>>


Hi Ceporah,
Can you please get back to me on the below ASAP, thanks.

Respectfully,
Sharon Ehaloak
Executive Director

From: Sharon Ehaloak
Sent: March 13, 2016 11:32 AM
To: 'Paul Fraser' <Paul.Fraser@aandc-aadnc.gc.ca>
Cc: Andrew Nakashuk <anakashuk@nunavut.ca>
Subject: Peter Alareak Commissioner appointment
Importance: High

Good Day Paul,
Our commission meeting is next week and to date we have not received notice of Peters appointment. Chairperson Andrew would like an update as to where the appointment is at and if we are going to see it this week. Can you please advise, asap. Thanks.

Respectfully,
Sharon Ehaloak
Executive Director


TEXT.htm



CONFORMITY DETERMINATION BY THE COMMISSIONERS

PROPOSAL TITLE:	<p>Baffinland Iron Mines Corporation</p>
PROJECT NAME:	<p>Mary River Project Phase 2 (Phase 2, or project proposal)</p>
FILE NO(S):	<p>Nunavut Water Board (NWB) File:</p> <p>2AM MRY1325</p> <p>Department, Fisheries Oceans Canada (DFO) File:</p> <p>NU-07-HCAA-CA7-0050</p> <p>Nunavut Impact Review Board (NIRB) File #</p> <p>08MN053</p>
PLANNING REGION(S):	<p>North Baffin (NB)</p>
APPLICABLE LAND USE PLAN(S):	<p>North Baffin Regional Land Use Plan (NBRLUP)</p>
COMMISSIONERS PRESENT	<p>Ovide Alakanaurk, Peter Alareak, Terry Forth, Lawrence Levy, Andrew Nakashuk, Hunter Tootoo (Chairperson)</p>
DATE OF DECISION:	<p>April 8, 2015</p>

SUMMARY:

1. The Nunavut Planning Commission (the Commission, or NPC) is mandated to make conformity determinations based on applicable land use plans. The proponent Baffinland Iron Mines Corporation (the proponent, or BIMC), and the authorizing agencies Fisheries Oceans Canada (DFO) and the Nunavut Water Board (NWB) referred the proponent's project proposal to the Commission for a conformity determination. The project proposal requests the Commission find that, among other things, the breaking of ice for shipping over the winter months conforms to the North Baffin Regional Land Use Plan (NBRLUP).¹
2. The NBRLUP was recently amended to add a transportation corridor to that plan, including a marine component from Milne Inlet through Eclipse Sound to Baffin Bay. In its public review of the amendment, the Commission was specifically asked not to consider whether to allow for ice breaking in that corridor.² The central issue the Commission now has to decide is whether the NBRLUP as amended means that the defined transportation corridor in Appendix Q of the NBRLUP allows ice breaking as a conforming land use despite other provisions and conformity requirements in the NBRLUP.
3. As the NBRLUP generally implies, ice is an essential part of life in the North. For people, for polar bears, for seals and other animals in the North, ice is a bridge –both metaphorically to the past and present Inuit values and activities, and also actually as a fact. Ice physically links Inuit to their Culture and Values. The NBRLUP also recognizes other modern economic values and development, and seeks to balance these various interests and values.

¹ Baffinland Iron Mines Corporation, Mary River Project Phase 2, Second Amendment to Project Certificate No 005 Project Description, October 29 2014, attached to Nunavut Planning Commission Senior Conformity Officer, Negative Conformity Determination Recommendation (NCDR) at Tab 6b (NCDR Tab 6b, BIMC Phase 2 proposal Project Description October 29, 2014).

² E-mail from O. Curran to C. Tickner, Re: Questions For Participants In Baffinland Early Revenue Phase Public Review Process, March 27, 2014, attached to NCDR at Tab 26.

4. After reading and deliberating on the Negative Conformity Determination Recommendation (NCDR) of the Senior Conformity Officer dated March 5, 2015, the response submissions of the proponent dated March 16, 2015 (Response to NCDR), and all relevant materials attached to the NCDR, based on the wording of the NBRLUP as amended, the Commissioners have voted unanimously to issue a negative conformity determination for the project proposal. Based on the wording of the approved amendment to the NBRLUP at Appendix Q, the proposed ice breaking activity for winter shipping would prevent or prohibit wildlife harvesting and traditional activities. The Commissioners therefore conclude that the project proposal as written does not conform to sections 3.2.1 and 3.3.1 of the NBRLUP.

MANDATE OF THE NUNAVUT PLANNING COMMISSION

5. As the NCDR says, land use planning plays a critical role in the development of Nunavut. The purpose of land use plans is to “protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, taking into account the interests of all Canadians”, and “to protect, and where necessary, to restore the environmental integrity of the Nunavut Settlement Area.”³ The Commissioners note that the word “‘land’ includes water and resources including wildlife”,⁴ meaning that as a “land” use plan, the NBRLUP must be interpreted to achieve these purposes not only on land, but also with respect to water, including ice, and resources including wildlife.
6. An accurate summary of the Commission’s mandate is provided in the NCDR, which is repeated in part here. Under Section 11.4.1 of the NLCA, the NPC’s major responsibilities are to:

³ Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (the Nunavut Land Claims Agreement, or NLCA) May 25, 1993, at s. 11.3.2; and North Baffin Regional Land Use Plan section 1.2(i) “Planning Principles under the NLCA”.

⁴ NLCA, s. 11.1.2.

- (a) establish broad planning policies, objectives and goals for the Nunavut Settlement Area in conjunction with Government;
- (b) develop, consistent with other provisions of this Article, land use plans that guide and direct resource use and development in the Nunavut Settlement Area; and
- (c) generally, fulfill the objectives of the Agreement in the manner described, and in accordance with the general principles mentioned in Section 11.2.1, as well as such additional functions as may be agreed upon from time to time by Government and the [Designated Inuit Organization] DIO.

7. As also summarized in the NCDR, section 11.2.1 of the NLCA reads as follows:

11.2.1 The following principles shall guide the development of planning policies, priorities and objectives:

(a) people are a functional part of a dynamic biophysical environment, and land use cannot be planned and managed without reference to the human community; accordingly, social, cultural and economic endeavours of the human community must be central to land use planning and implementation;

(b) the primary purpose of land use planning in the Nunavut Settlement Area shall be to protect and promote the existing and future wellbeing of those persons ordinarily resident and communities of the Nunavut Settlement Area taking into account the interests of all Canadians; special attention shall be devoted to protecting and promoting the existing and future well-being of Inuit and Inuit Owned Lands;

(c) the planning process shall ensure land use plans reflect the priorities and values of the residents of the planning regions;

(d) the public planning process shall provide an opportunity for the active and informed participation and support of Inuit and other residents affected by the land use plans; such participation shall be promoted through various means, including ready access to all relevant materials, appropriate and realistic schedules, recruitment and training of local residents to participate in comprehensive land use planning;

(e) plans shall provide for the conservation, development and utilization of land;

(f) the planning process shall be systematic and integrated with all other planning processes and operations, including the impact review process contained in the Agreement; and

(g) an effective land use planning process requires the active participation of both Government and Inuit.

8. The Commission has a mandate to carry out conformity determinations of “project proposals” where an approved land use plan is in effect. The term “project proposal” is defined in Article 1 of the NLCA as follows:

“project proposal” means a physical work that a proponent proposes to construct, operate, modify, decommission, abandon or otherwise carry out, or a physical activity that a proponent proposes to undertake or otherwise carry out, such work or activity being within the Nunavut Settlement Area, except as provided in Section 12.11.1;

9. Section 11.5.10 of the NLCA reads:

11.5.10 The NPC shall review all applications for project proposals. Upon receipt and review of a project proposal, the NPC or members thereof or officers reporting to the NPC shall:

(a) determine whether the project proposals are in conformity with plans; and

(b) forward the project proposals with its determination and any recommendations to the appropriate federal and territorial agencies.

The land use plan may make provision for the NPC to approve minor variances.

10. The Commission acts as a gatekeeper for the regulatory approval process for project proposals in Nunavut. Where a project does not conform to an applicable land use plan, the Commission does not forward the project proposal to the relevant authorizing agencies, the Nunavut Impact Review Board (NIRB), or the Nunavut Water Board (NWB), as applicable.⁵ In such a case, the NLCA says in section 11.5.11 of the NLCA that a proponent may seek an exemption from the appropriate Minister.⁶ However, the Commission notes that the NBRLUP, which was approved in 2000, as presently written does not provide for any approval of minor variances. Although a new land use plan or further amendment to the NBRLUP could authorize the Commission to consider and grant minor variances, the Commission must make its decision on the basis of the NBRLUP as it exists today.

11. In April 2007, the Commissioners passed a resolution under which positive conformity determinations may be made by delegated conformity officers or conformity panels, but that provides that delegates may only

⁵ NLCA, s. 12.3.1, 13.4.2.

⁶ NLCA, s. 11.5.11.

recommend negative conformity determinations to the full Commission to make a determinations. On February 5, 2015, the Commissioners approved a new procedure called the Procedure For Negative Conformity Determination, which was amended on March 3, 2015. The Commission's Procedure For Negative Conformity Determination, First Amendment (PFNCD) requires the Commission's delegate to obtain further information from a proponent on any areas of concern that may lead to a negative conformity determination recommendation (NCDR). Once the requested information has been provided, the delegate makes a NCDR rather than a negative determination, and the proponent is given notice of the NCDR and a period of 10 days (unless a time extension is requested and granted) to respond. After the proponent's Response to NCDR is received, the NCDR, the Response to NCDR, and other relevant materials are provided to the Commissioners at the same time for them to review to make a decision. For further clarity, in the event of an NCDR, until the Commissioners have made their final determination, no decision has been made.

FACTS:

12. The Commissioners reviewed the project proposal submitted by the proponent.⁷ Pursuant to the Commission's Procedure For Negative Conformity Determination, First Amendment, the Senior Conformity Officer prepared a project proposal summary, and the Executive Director provided a copy to the proponent on March 5, 2015. The proponent was given an opportunity to comment on the accuracy of that document, and did not identify any inaccuracies. The Commission accepts the project proposal summary as an accurate description of the project.⁸
13. The proponent requests the Commission make a positive conformity determination for Phase 2 that will result in:

⁷ NCDR Tab 6b, BIMC Phase 2 proposal Project Description October 29, 2014.

⁸ Project Proposal Summary, attached as Appendix 2.

- Increased truck volume on the Tote Road ... ;
- An increase in shipping transits through Northern Shipping Route ..., including transits through periods of ice;
- Additional berth capacity at Milne Port; and
- The establishment of a trans-shipping site in Eclipse Sound.⁹

14. The proponent's project proposal also explains its proposed shipping strategy. This would involve the "extension of the shipping season from June into March with the use of purpose built Polar Class Post Panamax sized self-discharging ore carrier for ship-to-ship transfer of ore (i.e. trans-shipping)."¹⁰ The proposal also involves the use of tugs and ice management vessels.¹¹ As summarized in the Senior Conformity Officer's Project Proposal Summary, which BIMC did not dispute, BIMC proposes:

- Shipping season starts in June (after ice has degraded in quality)
- 7-8 mpta during open season
- 4 mpta during winter months- NPC estimates between 44 to 84 one way ships passages annually that involve ice breaking between Milne Port and Baffin Bay.¹²

15. The Commission notes BIMC's position that it is not proposing to ship year-round. The project proposal does propose shipping in 10 months of each year, not 10 months of ice breaking. However, as noted further below, the proponent's project proposal is the first time the Commission has been asked to consider ice breaking from Milne Port through Eclipse Sound to Baffin Bay along the Transportation Corridor defined in Appendix Q to the NBRLUP. The Commission does not consider trans-shipping activities as being relevant to its conformity determination and these reasons instead focus on the ice breaking issue.

⁹ NCDR Tab 6b, BIMC Phase 2 proposal Project Description October 29, 2014, page 3.

¹⁰ NCDR Tab 6b, BIMC Phase 2 proposal Project Description October 29, 2014, page 11.

¹¹ NCDR Tab 6b, BIMC Phase 2 proposal Project Description October 29, 2014, page 11.

¹² NPC Project Proposal Summary, Baffinland's Mary River Project, Phase 2 Proposal, page 2.

16. Pursuant to the Commission's original Procedure For Negative Conformity Determination, the Senior Conformity Officer wrote to the proponent on February 10, 2015 requesting further information relating to his concerns on how the project proposal conformed to sections 3.2.1 and 3.3.1 of the NBRLUP. The Senior Conformity Officer drew the proponent's attention to several documents attached to his questions including a colour copy of the map of Essential Areas contained in Appendix G of the NBRLUP from the NBRLUP's predecessor the Lancaster Sound Regional Land Use Plan. The proponent responded to the Senior Conformity Officer on February 13, 2015 providing further information, and the Senior Conformity Officer reviewed that information received on February 13, 2015 in making his NCDR.
17. In its February 13, 2015 letter, the proponent took the position that it conforms with section 3.3.1 because it has agreed to follow the Code of Good Conduct in Appendix H of the NBRLUP. The proponent also submitted that because it is aware of the Essential Area in Appendix G and that it will make the NIRB, NWB, and DFO aware of those values, it conforms to section 3.2.1 of the NBRLUP. BIMC furthermore drew the Senior Conformity Officer's attention to other mines engaged in ice breaking as evidence that the impacts of ice breaking could be mitigated.

ANALYSIS:

18. The Commissioners have reviewed BIMC's information provided on February 13, 2015, the analysis in the NCDR and the relevant materials enclosed with the NCDR, and BIMC's Response to NCDR dated March 16, 2015.
19. Conformity determinations for land use planning are separate and distinct from the NIRB process, and pursuant to the NLCA must precede that process. BIMC submits in its Response to NCDR that the Commission can't assess environmental impacts for the purpose of determining conformity. However, BIMC also points to impact assessment and future mitigation measures that will be made through the NIRB process as being

grounds for the Commission to find conformity. BIMC submits the Commission cannot look at impacts for the purpose of assessing conformity, but also asks the Commission to consider proposed measures to mitigate impacts for the purpose of finding that the project proposal conforms to the NBRLUP. Mitigation measures are referred to in section 3.3.1 of the NBRLUP, which also requires that land users “avoid harm to wildlife and wildlife habitat and damage to community travel routes through the timing of their operations, through careful selection of the location of their main camps and travel routes...”. It is not possible for the Commissioners to give a positive conformity determination to a project that does not currently conform to the plan on the basis that it might later come into conformity following the NIRB environmental assessment process.

20. Further to the proponent’s argument that the Commission should not look at impacts, the argument implies that the Commissioners should not look at the number of ship transits for this specific proposal. The proponent effectively asks the Commission to conclude the NBRLUP as amended allows ice breaking as a conforming land use, and to pass the project proposal for ice breaking to the NIRB and authorizing agencies to assess impacts and impose conditions. To follow the proponent’s logic, the Commission must consider whether the proposed physical activity of ice breaking conforms to the NBRLUP as amended, regardless of the timing or frequency. As explained below, this further supports the Commission’s conclusion that the NBRLUP as amended cannot be interpreted to give the project proposal as written a positive conformity determination.
21. The NCDR focused on sections 3.2.1 and 3.3.1 of the NBRLUP as being the grounds for recommending a negative conformity determination. The Commission reads BIMC’s Response to NCDR as being separated into three main arguments. First, the proponent argues that Appendix Q of the NBRLUP means the project proposal conforms to the NBRLUP. The proponent then argues that the provisions of sections 3.5.1 to 3.5.10,

specifically section 3.5.6, mean that the project proposal conforms to the NBRLUP as amended. Finally, the proponent submits that the project proposal meets the conformity requirements under sections 3.2.1 and 3.3.1 of the NBRLUP. The Commission briefly addresses the proponent's other submissions that go outside the grounds for the NCDR, as set out below.

Analysis of NBRLUP Appendix Q

22. The proponent asks the Commission to consider whether NBRLUP Appendix Q allows the newly proposed ice breaking activities. The NCDR quotes from a question referred to BIMC in the course of the Commission's public review on whether ice breaking was being proposed, and BIMC's response that ice breaking was not being proposed and that the reference was a typo. However, the proponent now takes the position that Appendix Q contemplated ice-breaking, referring the NPC to one bullet in that Appendix that reads:

Nothing [in] the NBRLUP will prevent or prohibit navigation in the marine environment in accordance with existing international law and conventions, federal laws and regulations applicable to shipping and navigation, and the NLCA.

23. Although BIMC itself took the position in the Early Revenue Phase (ERP) public review that no ice breaking was being contemplated, it now interprets this bullet as permitting ice-breaking activities along the marine portion of the Milne Inlet Tote Road and Marine Transportation Corridor. It is important to note that the two bullets in Appendix Q preceding the one cited by BIMC read:

Nothing in this Amendment will prevent or prohibit the use of lands as described in this Amendment and as shown on Schedule "A" for the purpose of wildlife harvesting and/or traditional activities carried out by residents of the Region.

Traditional activities may include hunting, fishing, camping and any other activity considered by residents to be important in maintaining a traditional lifestyle.

24. While the Appendix Q does state that, generally, the NBRLUP does not preclude navigation “in accordance with existing international law...”, Appendix Q specifically states that nothing in Appendix Q prevents or prohibits wildlife harvesting and/or traditional activities as defined. These values are expressly recognized and established land uses in the NBRLUP protected by conformity requirements such as 3.2.1 and 3.3.1, cited in the NCDR as the basis for the Senior Conformity Officer’s recommendation. Had BIMC applied to amend the NBRLUP for the purpose of using the transportation corridor for ice breaking, the Commission could have considered whether other conformity requirements such as sections 3.2.1 and 3.3.1 ought to have also been amended. Reading Appendix Q to permit ice breaking as a conforming land use in the manner suggested by the proponent would effectively “prevent or prohibit the use of lands ... for the purpose of wildlife harvesting and/or traditional activities carried out by residents of the Region”. This interpretation does not appear to be consistent with the wording of Appendix Q itself protecting these same values, the remainder of the NBRLUP read as a whole, or section 11.3.2 of the NLCA referred to above. In other words, the Commission does not interpret Appendix Q to say that navigation ***through ice*** conforms with the NBRLUP where it conflicts with conformity requirements 3.2.1 and 3.3.1 that protect the same values expressly preserved by Appendix Q itself.

Section 3.5 of the NBRLUP

25. The NCDR does not cite section 3.5 of the NBRLUP as grounds for making a negative conformity determination. However the proponent refers the Commission to section 3.5 of the NBRLUP as grounds for making a positive conformity determination. Although section 3.5 says the NPC does not support year-round Arctic shipping, in BIMC’s submission it

also does not expressly prohibit ice-breaking activities. The proponent cites section 3.5.6 as permitting shipping over the winter including ice breaking as long as ships avoid floe edges in April, May and June. The Commission has briefly considered the proponent's arguments on this point.

26. The Commission notes that section 3.5 of the NBRLUP reads: "The NPC does not support year-round Arctic shipping because of the uncertainty about its effects on regional residents and the environment and wildlife." Although it might not be explicit, given the references throughout the NBRLUP to the uses of the ice by wildlife and hunters, the Commission considers it implicit that the uncertain effects includes those caused by ice breaking. Furthermore, the reference to 3.5.6 is not relevant to the conformity determination for this project proposal before the Commission because the proposed ice breaking route over the winter will be breaking through solid ice between Milne Inlet through Eclipse Sound to Baffin Bay, rather than along floe edges. Section 3.5.6 suggests that it is important that ships not cause the early degradation of floe edges, which, as section 2.1.5 of the NBRLUP and the associated maps and figures explain, are essential to both wildlife and hunters for seasonal harvesting in the spring.¹³ The Commissioners do not consider the proponent's arguments under section 3.5.1 to 3.5.10 relevant to the issue of whether the project proposal conforms to the NBRLUP as amended.

Analysis of NBRLUP Section 3.2.1

27. The NCDR cites NBRLUP section 3.2.1 as one of two conformity requirements that the project proposal does not conform to. That section has two parts, the first of which is marked as a conformity requirement, the second is marked as an "action" or measure "that, on approval of this plan,

¹³ See NCDR at paragraphs 33, 38, 42.

are required to be taken either by government or the NPC pursuant to s. 11.5.9 of the NLCA”.¹⁴ It reads:

All land users shall refer to the land values and concerns in Appendix G, and to the *Areas of Importance* map, to determine important land values and concerns in areas where they plan to work, as well as to adjust their work plans to conserve these values. [CR] Those who regulate the areas shall ensure through the project approval process that these values are conserved. [A]

28. The conformity requirement contained in section 3.2.1 makes land users refer to Appendix G and adjust work plans to conserve those values in Appendix G. The proponent proposes to conduct ice breaking when the Essential Area identified in Appendix G is being used by other land users for traditional activities, harvesting, and as wildlife habitat. Appendix G makes it clear that “The area is essential to the community for hunting, fishing and trapping” and that “The community cannot survive without these areas.” The Commission agrees with the NCDR that this implicitly requires “access to those Essential Areas”, and moreover notes that Appendix Q to the NBRLUP ensures that the transportation corridor does not interfere with these values as explained above.
29. The Commission must make its determination on the basis of the evidence before it. The proponent’s February 13, 2015 letter focused on listing mitigation measures adopted by other mining operations in other locations in the North. This information did not persuade the Senior Conformity Officer that the project proposal conformed under section 3.2.1. The proponent was advised on March 5, 2015 that the Commissioners would not consider new evidence without giving the Senior Conformity Officer an opportunity to respond, and responded with the Response to NCDR on March 16, 2015 but elected not to provide any new evidence. The Commission is not satisfied that any of the examples of mitigation measures from other mine sites provided by BIMC are

¹⁴ *North Baffin Regional Land Use Plan* (June, 2000) as amended, page 29, footnote 7.

sufficiently analogous to the current project proposal to be of any assistance to the Commissioners in establishing that the project proposal conforms to the NBRLUP. In brief, they are not relevant to the Commission's conformity determination.

30. In its Response to NCDR, the proponent referred to community consultations in the NIRB process for the Mary River Project and the consideration of the Early Revenue Phase (ERP) in which Commission staff participated.¹⁵ However, in the public review of the ERP project proposal the proponent stated, without reservation, that no ice breaking activities were being proposed in the ERP project proposal or amendment. These prior consultations do not show that ice breaking conforms with section 3.2.1 of the NBRLUP.
31. The proponent also committed to make the NIRB, DFO, and NWB aware of the values to be conserved as proof the project proposal conforms to section 3.2.1 of the NBRLUP. The Commission is itself required to take the action set out in the last sentence of section 3.2.1,¹⁶ and must take action to conserve these identified values at the conformity determination stage. As explained above, the Commission must make a determination on section 3.2.1 before a project proposal goes to those government agencies who have their own obligations to conserve these values. The Commission is not persuaded by the proponent's arguments in relation to section 3.2.1 of the NBRLUP, and finds that the project proposal does not conform with section 3.2.1.

Analysis of Section 3.3.1

32. The NCDR cites NBRLUP section 3.3.1 as the second conformity requirement that the project proposal does not conform to. Section 3.3.1 of the NBRLUP reads:

¹⁵ BIMC, Response to NCDR, March 16, 2015, page 12.

¹⁶ NBRLUP, page 29, footnote 7.

All land uses shall be conducted in keeping with the policy of sustainable development in order to protect the opportunities for domestic harvesting. All land users shall avoid harm to wildlife and wildlife habitat and damage to community travel routes through the timing of their operations, through careful selection of the location of their main camps and travel routes, and through other mitigative measures. In order to achieve these ends, all land users shall follow the Code of Good Conduct contained in Appendix H. [CR]

33. Section 3.3.1 refers to the Code of Good Conduct in Appendix H of the NBRLUP. BIMC agrees to follow Appendix H. However, the NCDR recommends the Commissioners find that since Appendix H does not expressly refer to avoiding damage to community travel routes and other protected land uses, it should be read together with the wording of section 3.3.1. The proponent did not disagree with the NCDR's interpretation of section 3.3.1 read together with Appendix H.
34. The proponent's Response to NCDR instead reiterated its commitment to follow the Code of Good Conduct, referred to the impact assessment process as one in which parties may make submissions, and referred the Commission to section 3.5.6.¹⁷ As noted above, section 3.5.6 of the NBRLUP relates to protecting floe edges in April, May and June, and not to breaking solid ice from Milne Inlet through Eclipse Sound and out to Baffin Bay. While it may be the NIRB's mandate to ensure impacts to wildlife, wildlife habitat, and community travel routes are mitigated, the Commission's mandate is to decide whether activities that would cause such impacts should be allowed to proceed to the next stage of regulatory review and approval at all.
35. The Commission has concluded that Appendix H must be read as proposed by the NCDR in order to give effect to the stated purposes of the

¹⁷ BIMC Response to NCDR, March 16, 2015, pages 14 – 17.

NBRLUP as set down in section 11.3.2 of the NLCA: “for land users to ‘respect the traditional users of the land’ they must avoid “damage to community travel routes.” Specifically, BIMC proposes regularly damaging community travel routes and provides examples of other ice breaking activities and mitigation measures that are not comparable or relevant to the Commission’s conformity determination as noted above. Based on the calculated frequency of 44 to 84 one way ice breaking ship transits each winter, the Commission is satisfied that this would amount to prohibiting or preventing the wildlife harvesting and traditional activities expressly protected by Appendix Q of the NBRLUP. As explained above, the Commission does not interpret the reference to navigation in Appendix Q to the NBRLUP as trumping the conformity requirements in sections 3.2.1 and 3.3.1.

36. As referred to in the NCDR, the NBRLUP states in Section 3.3 in part:

Renewable resources are the vital threads that link Inuit culture and society from the past to the present and into the future. Inuit and their ancestors have sustained themselves for several thousand years on the renewable resources of the region. Hunting, fishing and trapping continue to provide people in the region with food, clothing, shelter, cash and materials for arts and crafts. In recent years, the more widespread commercial promotion of country foods, arts and crafts and tourism opportunities has introduced new income-generating possibilities compatible with this renewable-resource based lifestyle.

A main goal of land use planning is to protect and maintain the health and well-being of people, the environment and wildlife. For millennia, Inuit fortunes were linked to the animals they hunted. Today, a healthy wildlife population remains vital to Inuit social, cultural and economic well-being.

...

“The Inuit economy is “mixed”. That is, it has two components, each dependent on the other: harvesting from the land, and wage employment. Wage earnings are used to supplement hunting activities; hunting provides food, which, among other benefits, replaces expensive imported items.

37. As the NCDR explains, for hunters to be able to venture out across the ice, they may need to return at any time. Ice breaking that damages community travel routes would restrict the ability of residents to come and go, whether at will or by necessity. Furthermore, while BIMC focuses on impacts to the residents of Pond Inlet, the Commission also needs to consider whether wildlife harvesting and traditional travel routes of other land users, such as those from Arctic Bay approaching Pond Inlet, may also be affected.
38. Section 3.3.1 requires that land users time their operations to avoid harm to wildlife and wildlife habitat and damage to community travel routes. The project proposal includes shipping through ice activities between October and March of each year when the NBRLUP says other land users and wildlife are using the ice. The Commission concludes the project proposal does not protect opportunities for domestic harvesting, and based on the proposed timing of operations, conclude that the ice breaking would result in harm to wildlife and wildlife habitat and damage to community travel routes. The project proposal does not conform to section 3.3.1 of the NBRLUP.

CONCLUSIONS:

39. In June 2000, two land use plans were approved and came into effect in the North Baffin Planning Region and the Keewatin Planning Region. Although the Commission has been performing conformity determinations under those plans for almost 15 years, this is the first negative conformity determination made in the history of the Commission. The Commissioners therefore considered it important to provide fulsome written reasons for their determination, not only out of fairness to the proponent BIMC, but also to ensure it reached a well-considered decision that would educate and inform others as to the Commission's role and process in making conformity determinations.
40. The Commissioners wish to take this opportunity to further explain its role in the regulatory system in Nunavut. The NLCA established the

Commission as a first stage of review of project proposals for physical works and activities in Nunavut that precedes environmental impact assessment and approval processes by the NIRB, NWB, the territorial government, and the federal government. The Commission receives completed applications for project proposals from authorizing agencies that are in receipt of project proposals from proponents seeking the necessary permits, licences, and other authorizations. A project proposal must conform to an applicable land use plan before it advances to the next step in the regulatory process. Because conformity precedes and is distinct from impact review, the Commission needs evidence that a project conforms with a plan at the time of reviewing the project proposal. Future measures to be developed through the NIRB process may mitigate environmental impacts, but if the proposed land use does not conform with an applicable plan at the time of review, the Commission cannot give a positive conformity determination on the basis that the proponent may later be brought into conformity.

41. The Commissioners have made a negative conformity determination for the reasons given above, based on the NBRLUP as it presently reads. Apart from the Appendix Q referred to above, the NBRLUP has not been updated or reviewed due to the Commission's efforts in developing a Nunavut-wide land use plan and institutional constraints that have precluded it from doing both. The NBRLUP still explains that large-scale extraction of resources is not foreseen, specifically naming the Mary River ore deposit as an example of such a project.¹⁸
42. The Commission notes that its decision, although final, does not mean that the proponent cannot continue with its existing and already-approved project. The proponent may still:
 - apply to the appropriate Minister for an exemption from the NBRLUP in accordance with the NLCA;

¹⁸ NBRLUP, page 21.

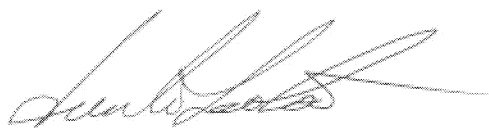
- amend the project proposal to comply with the NBRLUP and resubmit the amended project proposal;
- apply to the Commission to amend the NBRLUP; or
- re-evaluate the project proposal.

43. The NCDR noted no amendment for a transportation corridor was applied for by BIMC, and that had one been applied for the Senior Conformity Officer would have recommended a negative conformity determination based on sections 3.2.1 and 3.3.1. The NCDR suggests that if an application to amend the NBRLUP were to be made to allow the existing project proposal to proceed, the proponent and the Commission would also have to consider consequential amendments to those conformity requirements. The Commission raises this issue only to note that the proponent is not precluded by this decision or the NCDR from making an application to amend the NBRLUP and that the Commission would consider such an application.

44. The Commissioners wish to address one final point. The proponent implied that if the Commission gives the project proposal a negative conformity determination, the public would be deprived of an opportunity to be heard. The conformity determination process is the Commission's interpretation of the provisions of the NBRLUP that were drafted based on extensive public consultation and input. In light of the Commission's decision, it remains open to the proponent to apply for an amendment to the NBRLUP and later resubmit its project proposal if the NBRLUP were to be amended, or to pursue those other options listed above. The

Commission would then be able to conduct a public review on this issue
for land use planning purposes.

Dated this 8th day of April, 2015



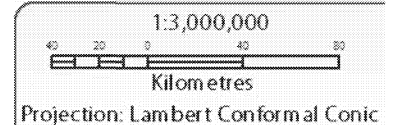
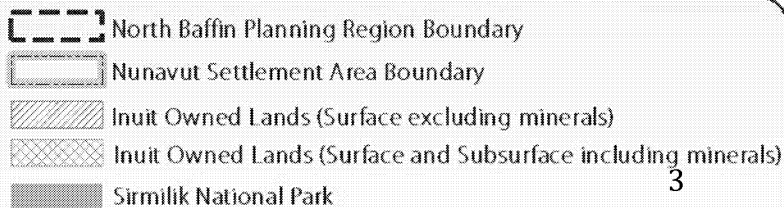
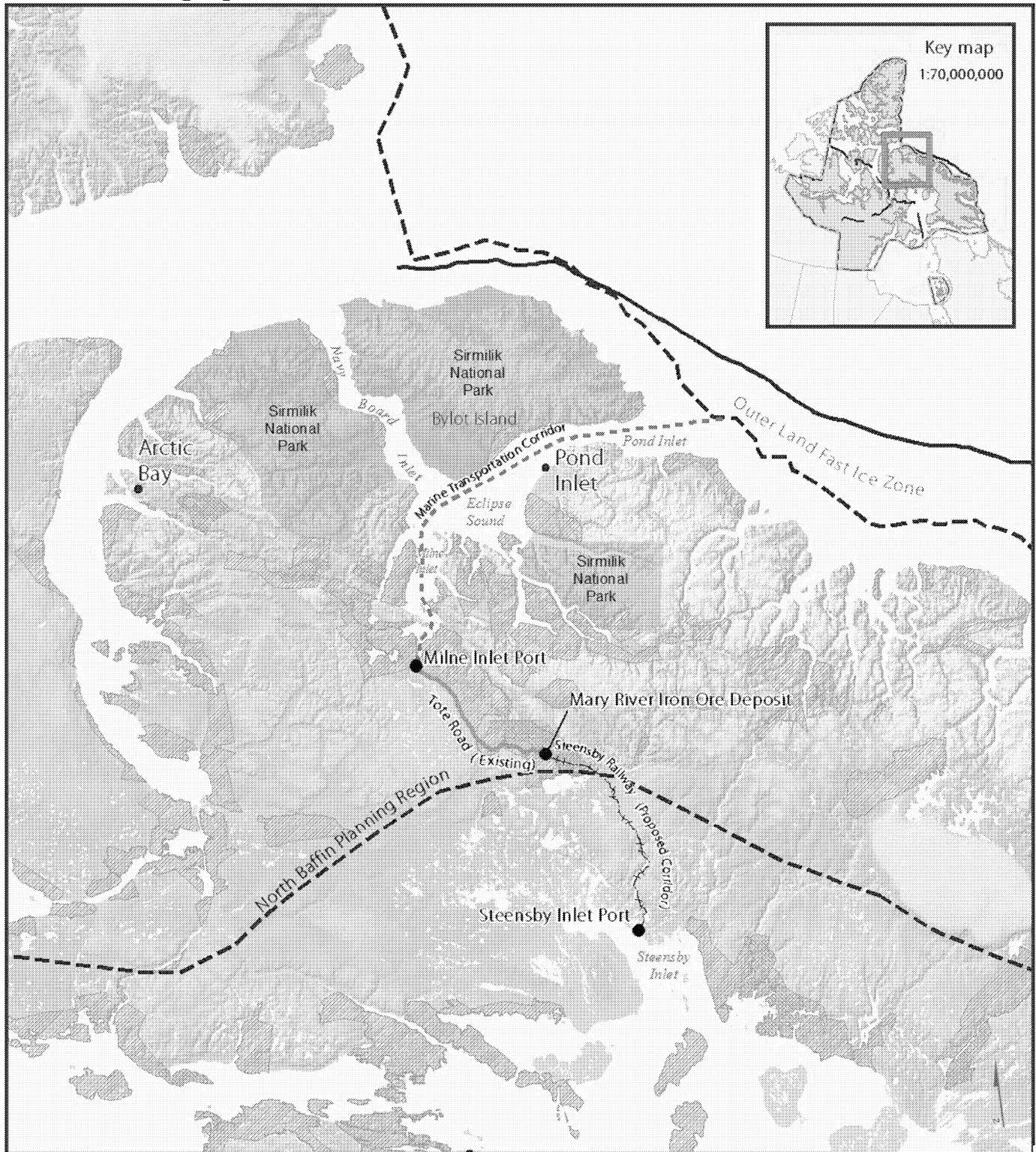
Hunter Tootoo, Chairperson
On behalf of the Nunavut Planning Commission

APPENDICES:

1. Map from Negative Conformity Determination Recommendation, March 5, 2015
2. Project Proposal Summary, Baffinland's Mary River Project, PHASE 2 Proposal

1. Map from Negative Conformity Determination Recommendation, March 5, 2015

1 Geographic Context



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Figure 1
Geographic Context

2. Project Proposal Summary, Baffinland's Mary River Project, PHASE 2 Proposal

PROJECT PROPOSAL SUMMARY

Baffinland's Mary River Project

PHASE 2 Proposal

On October 29, 2014, the Nunavut Planning Commission (NPC) received a request for a conformity determination from Baffinland Iron Mines Corporation (BIMC) for a Phase 2 development proposal of the Mary River Project (Phase 2).

BIMC proposed Phase 2 activities are inside the boundaries of the North Baffin Regional Land Use Plan (NBRLUP).

The Nunavut Impact Review Board (NIRB) issued a Project Certificate No. 005 (PC 005) to the BIMC for the Mary River Project in December, 2012. The BIMC further received an amendment to PC No 005 for the Early Revenue Phase (ERP) in May, 2014.

The ERP enables BIMC to mine and truck ore along an existing tote road to Milne Inlet, then ship up to 4.2 million tonnes per annum (mtpa) of iron ore from Milne Port through Eclipse Sound to world markets.

In the Phase 2 proposal, BIMC has stated;

-it will continue with a planned phased development approach of the Mary River Project and continue to defer the construction of certain projects that are already approved under PC 005.

and that;

-construction and operation of the railway to Steensby Inlet and the port at Steensby Inlet are to be delayed beyond 2015, the BIMC also states that they are still committed to the development of a railway and a Steensby Port as authorized under PC 005."

Further, the BIMC suggests that more capital investment is necessary to initiate the railway phase of the project that exceeds \$5 billion and that the current market condition do not allow BIMC to achieve this goal. A need exists for the BIMC to demonstrate the ability of their proposed project to generate cash flow, and to demonstrate the quality and demand for their iron ore product. For this reason the BIMC is proposing the Phase 2 proposal that is associated the development of the Mary River Project. The Phase 2 activities are intended to enhance already existing infrastructure for the ERP which would allow BIMC to increase shipments of iron ore from Milne Port to the world markets.

Summary of Phase 2 Activities

- BIMC wishes to retain all authorizations that are already in place allowing the Company to proceed with the development of the railway and Steensby Port once financing is secured.
- Increase shipping of iron ore 7.8 mtpa above already approved 4.2 mtpa under the ERP from the Milne port, through Milne Inlet, through Eclipse Sound (total 12 mtpa)
 - Increase of shipping fleet
 - Tugs
(ERP-2)(Phase 2 - 4)
 - Ice management vessels
(ERP –none) (Phase 2 – 2)

- Polar Class Ore Carriers (Self discharging)
(ERP -none) (Phase 2 -2)
 - Increasing the trucking fleet to transport up to 12 mtpa, 22 trucks (ERP) to 75 trucks (Phase 2)
 - Increasing truck trips per day to 300 round trips per day
 - Twinning of 4 existing bridges along the Tote Road
- After construction of the Steensby Railway and Port, an additional 18 mtpa would be sent through those facilities. This will increase the total rate of extraction to 30 mtpa
- Increased utilization of Milne Port for shipping,
 - Addition of a second dock
 - Increase areas of footprint or potential development area (PDA) to be used already approved as described in the PC 005
 - Additional fuel storage on land and in water
 - Configuration of ore dock to be capable of accommodating all-season shipping
- Extension of the shipping season from June into March with expected total of 150 voyages that includes the ore carriers, freight and fuel vessels
 - Shipping season starts in June (after ice has degraded in quality)
 - 7-8 mtpa during open season
 - 4 mtpa during winter months- NPC estimates between 44 to 84 one way ships passages annually that involve ice breaking between Milne Port and Baffin Bay
- Trans-shipping from the purpose built ice class self-discharging ore carriers to Cape vessels in Eclipse Sound during the open water season (mid-July & mid-October), and trans-shipping from the purpose built ice class self-discharging ore carrier(s) to market Panamax and Cape vessels in Greenland waters from June to mid-July and from mid-October into March.
- The buildup to full capacity of ore shipment to 12 mtpa will take several years
- Maximize open water shipping season by increasing port utilization
- Based on estimated reserves, Deposit No. 1 could extend life of project for 21 yrs
- BIMC assumes that the Phase 2 activities will provide financing for the railway/Steensby Port components of the approved Mary River Project that would become available to begin engineering by the year 2020 with a full scale mobilization at all project sites by 2021
- Enlargement of ore stockpile to 150,000 tonnes, 2 additional crushers, haul trucks
- Increase accommodations to 500 employees capability



Nunavut Planning Commission
P.O. Box 2101
Cambridge Bay, Nunavut X0B 0C0

March 17, 2017

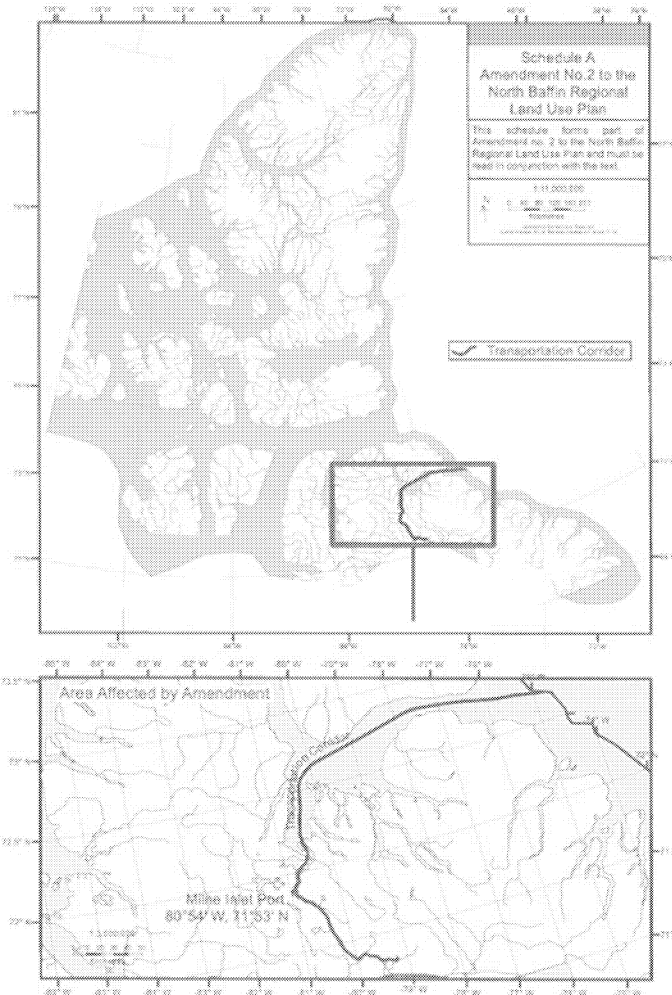
Attention: Sharon Ehloak, Executive Director

RE: Proposal for Amendment to the NBRLUP in relation to the Mary River Phase 2 Expansion Project (NPC File # 148420).

On February 3, 2017 Baffinland Iron Mines Corporation (Baffinland) re-submitted the Project Proposal for the Mary River Phase 2 Expansion Project (Project Proposal) to the Nunavut Planning Commission (NPC) for a Land Use Conformity Determination as directed by the Nunavut Impact Review Board (NIRB).

The NPC's correspondence dated March 06, 2017 stated that the proposed rail line, additional

infrastructure at the Milne Inlet Port site and the winter sealift of freight would constitute the development of a transportation corridor and requested that Baffinland provide additional information under section 3.5.11 of the North Baffin Regional Land use Plan (NBRLUP).



The NBRLUP currently includes the Milne Inlet Tote Road and Marine Transportation Corridor which was established under section 3.5.11 of the NBRLUP. Baffinland is not proposing a new route and, as shown in the Project Proposal, all activities would occur within the existing Corridor.

Baffinland acknowledges that the NPC is currently in the process of finalizing the Draft Nunavut Land Use Plan (DNLUP) and has limited capacity to process amendments to the existing Land Use Plans which will be replaced once the DNLUP process is completed. In order to advance the ongoing Conformity Determination process in the most efficient and comprehensive manner possible Baffinland respectfully requests that the NPC pause the current Conformity Determination process, consider the following proposed amendment to the

NBRLUP and, once completed, make a positive conformity determination on the Project Proposal.



Proposal for Amendment

Baffinland is proposing under section 59 (1) of the Nunavut Planning and Project Assessment Act (NuPPA) an amendment to the existing Milne Inlet Tote Road and Marine Transportation Corridor (Appendix Q of the NBRLUP) to ensure that the proposed activities are consistent with approved planning policies and objectives of the Nunavut Agreement and the NBRLUP. Specifically, Baffinland proposes to amend Appendix Q to provide for transportation by rail through the corridor.

Appendix Q allows for "marine infrastructure including aids to navigation, fixed docks, floating docks, piers, ports, loading and unloading facilities, storage facilities, refueling facilities and any other facilities or infrastructure which is required for operating the port or for ensuring the safe passage of vessels". Therefore it can be concluded that the development of a second ore dock to accommodate Cape sized vessels, a second ship loader, railway unloading and maintenance facilities and additional support infrastructure is in compliance with the NBRLUP and no amendment to Appendix Q would be required.

For clarification Baffinland is proposing to have the ability to conduct winter sea lifts of freight from December 01 through February 28 annually with a maximum of two events during this period. Fuel and iron ore will not be transported during these events. This additional information and the recent positive conformity determination made by the NPC for similar activities indicate that no amendment to Appendix Q would be required, however, wording is proposed for clarification.

Baffinland acknowledges and appreciates the time taken by the NPC staff to engage in informal meetings with us in relation to the Project Proposal. Further, Baffinland respects the mandate of the NPC and is seeking to advance the Mary River Project in compliance with all legislative and regulatory requirements established under the Nunavut Agreement.

Documentation addressing the additional information requested in your letter of March 06, 2017 is attached (Attachment 1). Additionally, in accordance with Section 59 (1) of the NuPPAA and the NPC Internal Procedure "Amendments to Land Use Plans (March 2015)" attached is the proposed amendment to Appendix Q (Attachment 2).

We request that the NPC consider the proposed amendment and, if it considers it appropriate to do so, conduct a public review. **Baffinland urgently requests that the amendment process be executed as expeditiously as possible** to allow the Project Proposal to return to the NIRB process for a full and comprehensive environmental assessment.

Thank you,

A handwritten signature in black ink, appearing to read "T. Burlingame".

Todd Burlingame

VP Sustainable Development

Cc/ Aluki Kotierk, President, NTI; PJ Akeegok, President, QIA; Honorable Carolyn Bennett, Minister INAC; Hon. Joe Savikataaq, Minister, Department of Environment, GN

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Mary River Phase 2 Expansion Project

ATTACHMENT #1

Response to NPC Request for Additional Information

NPC File #148420

March 17, 2017



1 Introduction

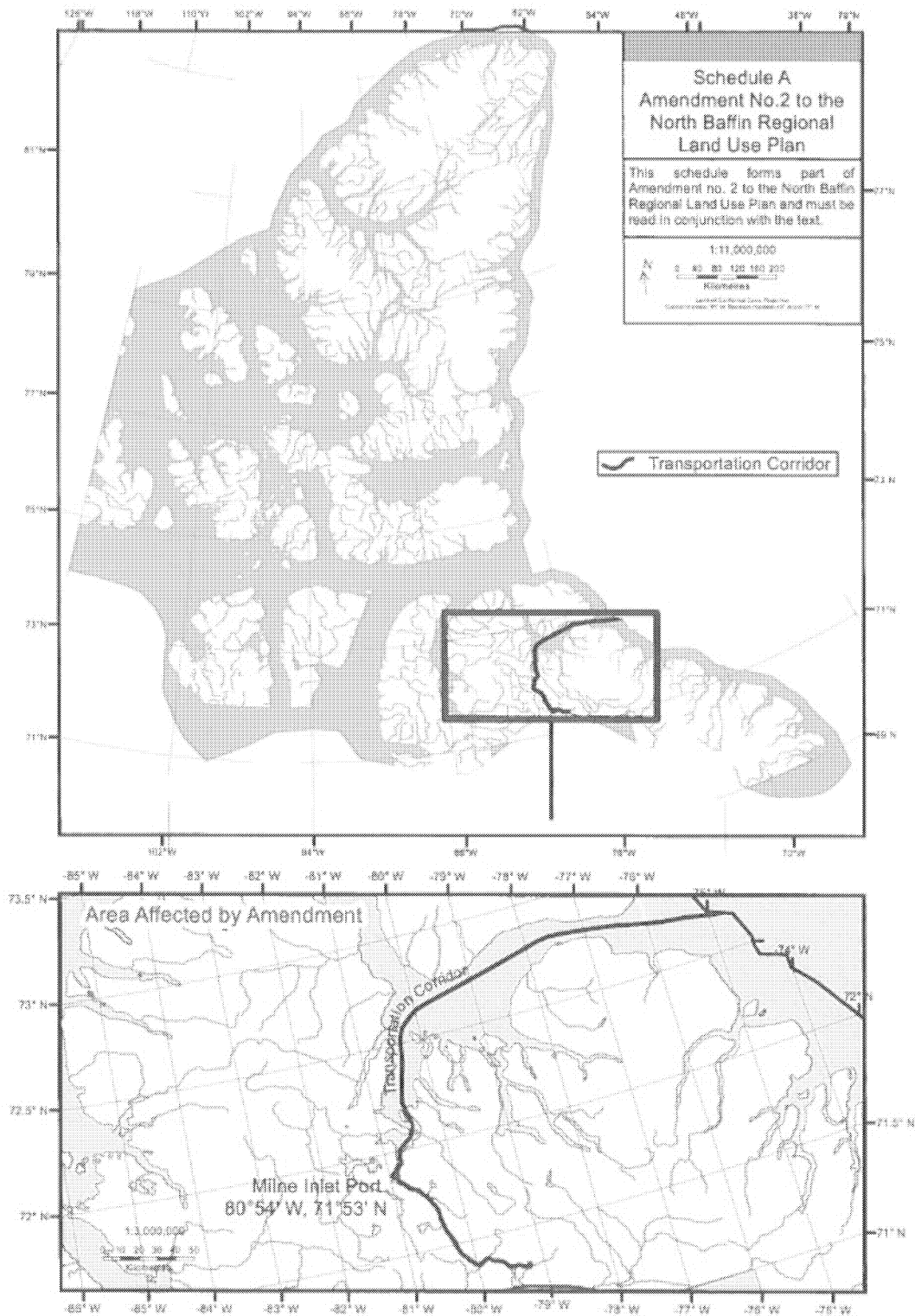
On March 6, 2017, the Nunavut Planning Commission (NPC) requested Baffinland Iron Mines Corporation (Baffinland) to submit additional information required under section 3.5.11 of the North Baffin Regional Land Use Plan (NBRLUP) for the Mary River Phase 2 Expansion Proposal (Project Proposal) request for Land Use Conformity Determination.

The Project Proposal submitted to the NPC on March 03, 2017 includes the construction of a railway within the Milne Inlet Tote Road and Marine Transportation Corridor that follows the existing Tote Road. This corridor has been established and is recognized as a transportation corridor in both the Nunavut Agreement and the NBRLUP (See Figure 1.1).

Baffinland has engaged with the Hamlet of Pond Inlet and Mittimatalik Hunters and Trappers Organization (MHTO) for the purpose of alerting them to the potential requirement to amend the NBRLUP for the purpose of including the use of rail in the definition of the Milne Inlet Tote Road and Marine Transportation Corridor and allowing for a positive conformity determination to be made by the NPC prior to returning to the Project Proposal back to NIRB for a comprehensive environmental assessment. During the engagement no opposition to include railway development as an acceptable land use within the existing corridor was raised by the participants.



Figure 1.1 Existing Transportation Corridor as shown in Schedule A to Appendix Q of the NBRLUP (NPC, 2014)





2 Response

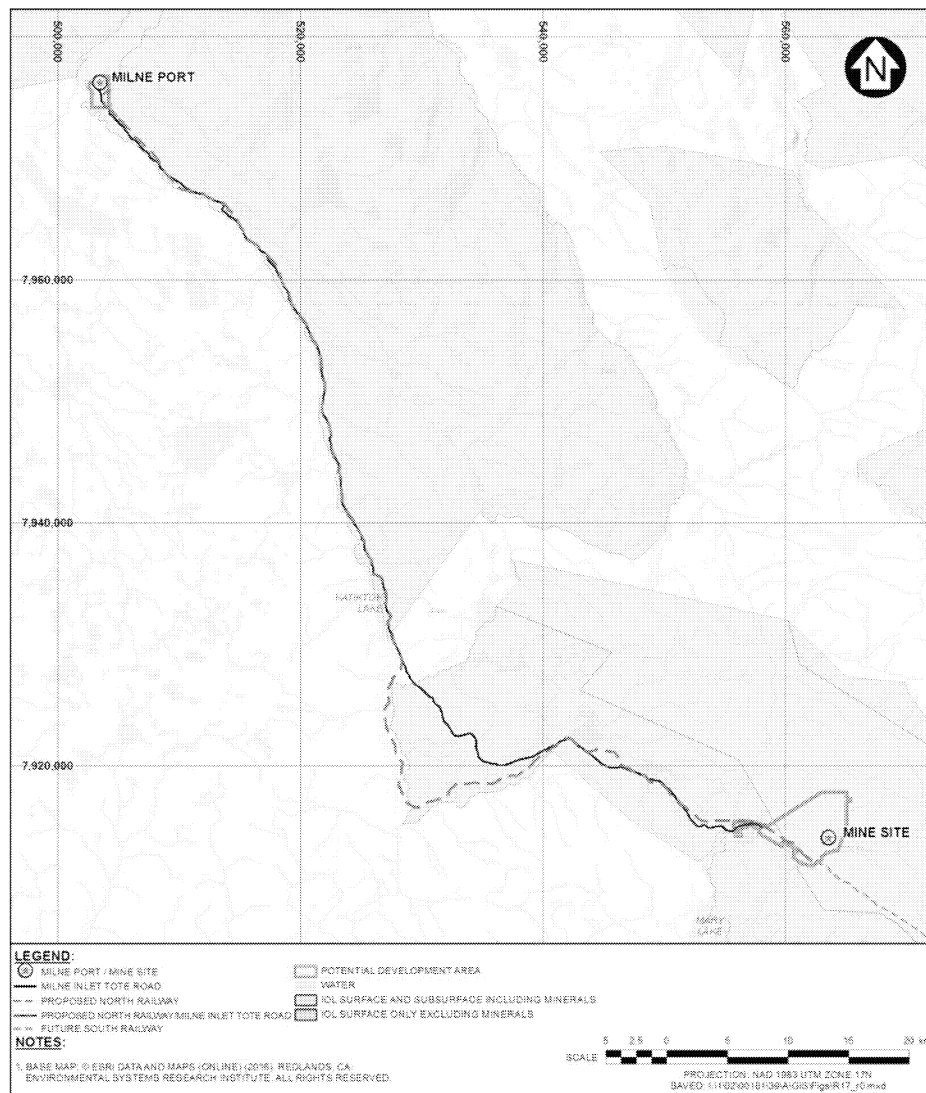
The requirements of section 3.5.11 of the NBRLUP include:

- An assessment of alternative routes;
- The cumulative effects of the preferred route, and;
- Reasonable options for other identifiable transportation and utility facilities

Assessment of alternative routes:

The Project Proposal does not seek the establishment of a new route within the existing corridor established under Appendix Q of the NBRLUP. The preferred route follows the existing Tote Road (see Figure 2.1). No other alternatives to the route are considered feasible. There would be no change to the marine component of the existing transportation corridor (see Figure 2.2).

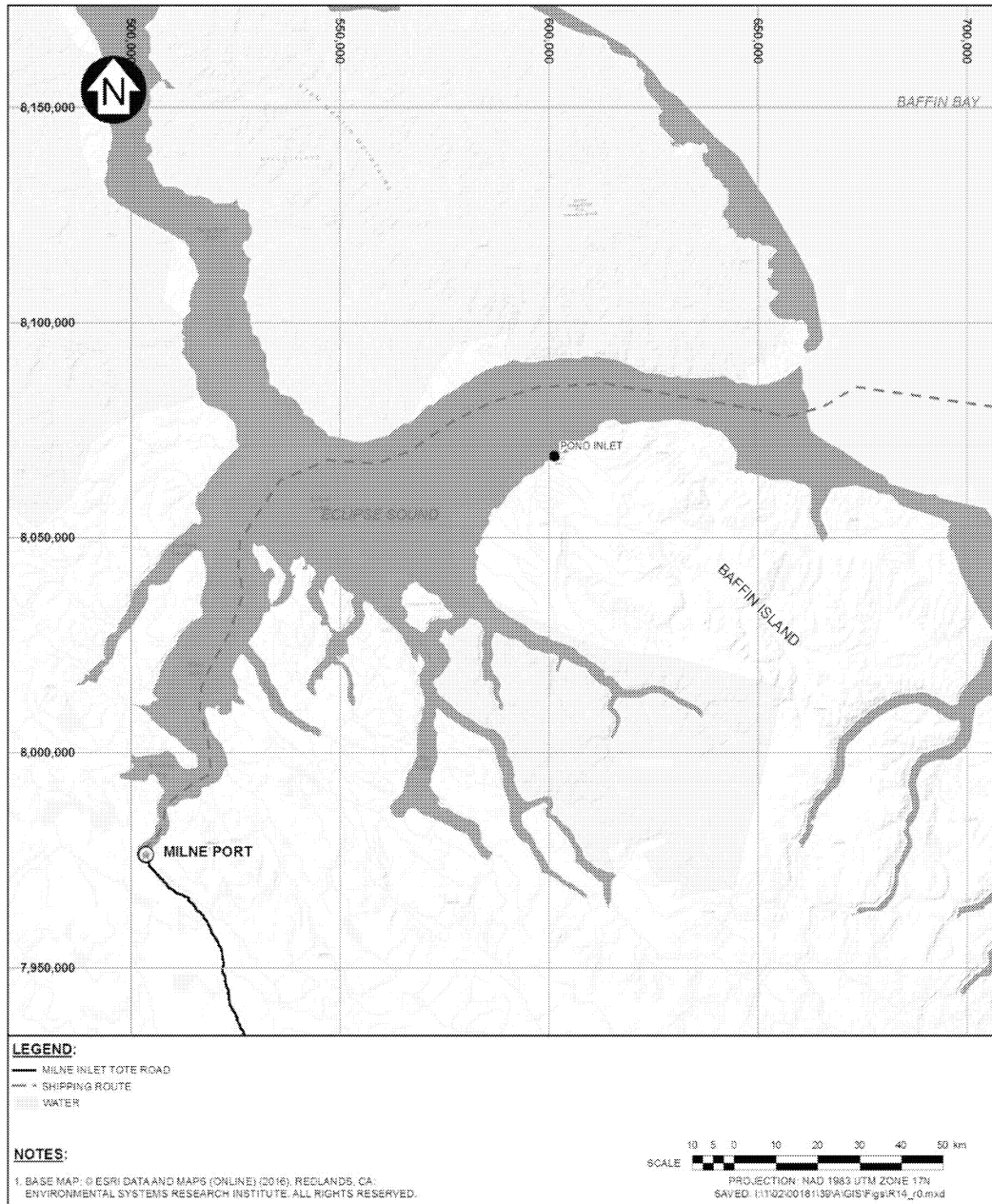
Figure 2.1 The Northern Transportation Corridor and Proposed North Railway



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Figure 2.2 The Northern Shipping Corridor



The continued utilization of the existing route was based on the following criteria:

- Existing infrastructure;
- Technical feasibility;
- Regulatory acceptability;
- Cost-effectiveness;

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- Impacts on the natural environment;
- Impacts to the socio-economic environment (mainly land use); and
- Community preference or acceptability.

By following the existing route the following factors are also able to be met:

- Minimises negative impacts on community lifestyles by following the terrestrial component of the existing transportation corridor;
- Improves access to other resources having high potential for development, maintaining the shortest practicable distance between the primary resource areas and the trans-shipment location;
- Designed in accordance with existing and prospective land use capability including topography, soil, permafrost and wildlife has been designed in accordance with the availability of granular supplies;
- Strives to not negatively impact community business, residential and projected expansion areas;
- Strives to not negatively impact important fish and wildlife harvesting areas;
- Strives to not impact key habitat for fish and wildlife species, especially areas used by endangered species; and
- Strives to not impact high scenic, historic, cultural and archeological value.

The consideration of these criteria and factors meant a preferred route that follows the existing Tote Road (see Figure 2.1) was the only feasible option and consideration of alternative railway routes would not be practical or reasonable. This position is based on:

- The alignment is located along the existing transportation corridor established by Amendment No. 2 of the North Baffin Regional Land Use Plan. Transportation corridors are established under land use planning principles with the intent of accommodating future transportation and/or communications facilities, to minimize the overall disturbance to the landscape. Therefore, construction of the north railway along the existing transportation corridor is consistent with both land use planning principles and with the amended NBRLUP.
- The existing road is available to support construction, which significantly reduces the railway construction costs. By comparison, when Baffinland builds the south rail in the future, it will be necessary to construct a dedicated construction access road to facilitate construction, because a road does not currently exist in that location. Selection of an alternative route for the north railway would require additional construction access roads.
- By using a common transportation corridor, impacts to land users as well as wildlife is minimized. Losses of wildlife habitat, sensory disturbance effects to wildlife, and impacts to Inuit land use and harvesting are minimized.
- Archaeological surveys over multiple years along with mitigation of sites through systematic data recovery have established that while archaeological sites do exist within the corridor, no culturally significant sites have been identified to date that would be potentially affected by the proposed project.

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- The location of the railway alignment in relation to outpost camps as well as hunting and travelling routes is an important consideration. The only outpost camp in the area is located on the west side of Camp Lake; this is the MHTO cabin that Baffinland constructed in 2013 to compensate for the former MHTO cabin located within the Mine Site. In the vicinity of the outpost camp, the proposed railway is located further away than the existing Milne Tote Road.
- Inuit travel extensively throughout the North Baffin region, including in the vicinity of the terrestrial component of the existing transportation corridor and the proposed north railway. Primary travel routes, derived from Inuit knowledge workshops completed in the late 2000's for the Project, were found to generally travel parallel to the terrestrial component of the existing transportation corridor alignment without crossing it and have numerous alternatives.

No change is proposed to the route of the marine component of the existing transportation corridor.

Cumulative Effects of the preferred route:

No new route is proposed for the transportation corridor and therefore no change to the cumulative effects of the route will be realized. The cumulative effects of including the mode of transportation of rail as an acceptable land use within the existing terrestrial component of the corridor include:

- Less interactions with traditional land uses: the reduced frequency of trips required when using rail for transport of ore will lessen interference with Inuit travel and harvesting activities while maintaining safety, access and ease of travel with the use of designated caribou, snowmobile and ATV crossings, and hunter and visitor site access procedures.
- No new route for linear infrastructure: the preferred railway route will follow along the existing Tote Road. The development of the railway between the Mine Site and Milne Port will therefore not result in the creation of a new linear development route in the area, and will therefore not create increased access to any currently remote areas and associated environmental issues or represent an additional linear barrier to traditional land users and wildlife.
- Economic sustainability: development of a railway within the alignment of the existing transportation corridor allows Baffinland the only feasible way identified of achieving overall economic feasibility and long-term sustainability.
- Reduced interactions: the development and use of the railway from the Mine Site to Milne Port will have the effect of reducing and ultimately replacing the use of haul trucks to transport iron ore along the terrestrial component of the transportation corridor. This will reduced the likelihood of potential disturbances to other land users and wildlife in the area including collisions or other sources of possible injury or mortality.
- Reduced dust and sedimentation: the development and use of the railway and ultimately the replacing the use of haul trucks to transport iron ore along the terrestrial component of the transportation corridor will create far less dust and associated sedimentation along the terrestrial component of the transportation corridor.
- Improved air quality: the planned use of rail as opposed to truck traffic will also considerably reduce any resulting atmospheric emissions and resulting air quality effects that would result from this

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vehicular traffic (including carbon monoxide (CO), nitrogen oxides (NOX), total suspended particulates (TSP), volatile organic compounds (VOCs), greenhouse gases (GHGs)).

- Reduced noise: in general, noise and vibration are not considered to be a significant issue for low speed rail operations such as this, except in the direct vicinity of rail yards and during car connections. Ballasted track (particularly with timber ties) absorbs vibration to some extent, and maintenance activities carried out on a regular basis will also correct many of the small irregularities that cause major noise and vibration in the railway system. An estimate of, and analysis regarding, potential Project-related air and noise emissions, and a comparison of those related to truck traffic and the railway, will be calculated and provided in the EIS in the event Baffinland is approved to proceed to the NIRB process.

No new route or activity/land use is proposed for the marine component of the transportation corridor and therefore no new cumulative effects will be realized. The planned development of the railway and the expansion of the facilities at Milne Port will allow Baffinland to optimize its planned iron ore shipments during the ice free / open water period. As a result, Baffinland will be seeking approval to ship ore from July 01 to November 15. This is considered to be a more acceptable scenario than the requirement under the previous concept which would have seen the shipping period extending from early June through the end of March, along with associated ice management, trans-shipping activities and facilities and required seasonal fuel storage at sea.

Baffinland also proposes the ability to conduct winter sea lift of freight if required to support on-going operations. The winter sea lifts of freight would only occur from December 01 through February 28 annually with a maximum of two events during this period. Fuel and iron ore will not be transported during these events. This activity has previously been determined to be in conformance with the NBRLUP.

Options for other identifiable transportation and utility facilities:

Baffinland is not aware of any other possible communication and transportation initiatives along the terrestrial component of the corridor or the Northern Shipping corridor. Milne Port will be developed for the exclusive use of Baffinland. No other potential users of this facility have been identified.



Mary River Phase 2 Expansion Project

ATTACHMENT #2

Proposed Amendment to Appendix Q
of the
North Baffin Regional Land use Plan

NPC File #148420

March 17, 2017



Proposed Amendment to Appendix Q of the North Baffin Regional Land Use Plan

Part I: Explanatory Notes

1.1 Introduction

Pursuant to subsection 59(1) of the *Nunavut Planning and Project Assessment Act* ("NuPPA"), Baffinland Iron Mines Corporation ("Baffinland") proposes to amend Appendix Q of the North Baffin Regional Land Use Plan (Appendix Q). These Explanatory Notes are provided for background and information purposes only and do not form part of the Amendment.

Proposed revisions to the current text of Appendix Q are shown in Part 2 in highlighted text.

1.2 Purpose

The purpose of the proposed amendment is to clarify that the existing Milne Inlet Tote Road and Marine Transportation Corridor as described and defined in Appendix Q of the North Baffin Regional Land Use Plan may be used for rail transportation and related infrastructure, expansion of the existing port facilities and for winter sealift.

1.3 Scope of Proposed Amendment

The description of the lands and location of the routing of the Milne Inlet Tote Road and Marine Transportation Corridor as depicted in Appendix Q remain unchanged. The Amendment does not involve the establishment of a new route or change of location of the existing corridor established under Appendix Q or any change to the marine component of the existing transportation corridor.

The preferred railway route will follow along the existing Tote Road and will consequently not result in any new route for linear infrastructure. There will be no interference with the public right of access to the transportation corridor as described in Schedule 21-2 of the *Nunavut Agreement* or with the activities of traditional land users.

No new route is proposed for the marine component of the transportation corridor.

The proposed amendment will:

1. Revise the description of the transportation corridor (bullet 1, Appendix Q) by including a reference to potential railway and related infrastructure and to the Mary River Phase 2 Expansion Project Proposal;
2. Revise the description of the terrestrial component of the transportation corridor (bullet 2, Appendix Q) by including a reference to rail and related infrastructure; and

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3. Revise the description of the marine component of the transportation corridor (bullet 3, Appendix Q) by including a reference to a winter sea lift during the months of December, January and February.

The inclusion of rail as a permitted mode of transportation within the Milne Inlet Tote Road and Marine Transportation Corridor will:

- reduce interference with traditional land uses and maintain safety, access and ease of travel with the use of designated caribou, snowmobile and ATV crossings, and Hunter and Visitor Site Access procedures.
- promote overall economic feasibility and long-term sustainability of the Mary River Project by optimizing the transport and shipping of ore
- lessen adverse environmental effects currently associated with road transportation (reduced dust and sedimentation and noise, improved air quality)
- diminish the likelihood of injuries or fatalities and other disturbances to land users and wildlife

The amendment to the marine component of Appendix Q to allow for the conduct of a winter sea lift of freight if required to support on-going operations is proposed for clarification purposes only as the Nunavut Planning Commission has previously issued a positive conformity determination in respect of similar activities.

Since Appendix Q already allows for “marine infrastructure including aids to navigation, fixed docks, floating docks, piers, ports, loading and unloading facilities, storage facilities, refueling facilities and any other facilities or infrastructure which is required for operating the port or for ensuring the safe passage of vessels”, no further amendment to the marine component with respect to the development of a second ore dock, ship loader, railway unloading and maintenance facilities and additional support infrastructure is required.

No other changes to Appendix Q are proposed.

1.5 Stakeholder Engagement

Baffinland has consulted with potentially affected stakeholders, including the 5 North Baffin communities, with respect to the use of rail as part of the Mary River Phase 2 Expansion Project. Baffinland has also consulted with the Mittimatalik Hunters and Trappers Organization and the Pond Inlet Hamlet Council with respect to the proposed amendment of the North Baffin Regional Land Use plan to include rail and associated activities as permitted use of the Milne Inlet Tote Road and Transportation Corridor and no objections to the proposed amendment have been expressed.



Part 2: Proposed Amendment

Draft Proposed Amendment to Appendix "Q" of North Baffin Regional Land Use Plan

The lands generally located North of Mary River, North Baffin Island, 1000km North of Iqaluit, and generally described as the lands located North of Mary River, North Baffin Island, 1000 km North of Iqaluit, and described as the line commencing at the Mary River Mine Site, approximately 71.3N-79.22W, and running generally North for approximately 110 km to the Milne Port at approximately 71.53N-83.54W and then running generally North through Milne Inlet and then East through Eclipse Sound to Baffin Bay for approximately 270km and as generally illustrated in Schedule "A" of the Amendment may be developed for the purpose of a transportation corridor in accordance with the following provisions.

- The transportation corridor, for the purposes of this Amendment, contains two components, one terrestrial and the other marine. Together they include the Milne Inlet Tote Road, a potential railway and related infrastructure, Milne Port and the marine shipping route from the Milne Port North through Milne Inlet and then East through Eclipse Sound to Baffin Bay to the eastern extent of the land-fast ice zone as illustrated in Schedule A to this Amendment and may also include any infrastructure, support facilities, and any other related systems associated with the safe operation of the transportation corridor, and as outlined in the Early Revenue Phase Addendum to Final Environmental Impact Statement and the Mary River Phase 2 Expansion Project Proposal.
 - The terrestrial component, encompassing the Milne Inlet Tote Road, includes a fixed smooth or paved surface, made for travelling by motor vehicle or carriage throughout the year and is available for use for a railway and for related infrastructure and may include, bridges, culverts, tunnels, crossings, signals, telecommunication facilities, yards, terminals and service and storage facilities associated with a road or railway as well as any other infrastructure required to ensure the safe operation and movement of motor vehicles, ~~or~~ carriages or train cars.
 - The marine component, encompassing the shipping corridor, includes a marine travel route used by ship traffic to navigate and may also include marine infrastructure, including aids to navigation, fixed docks, floating docks, piers, ports, loading and unloading facilities, storage facilities, refueling facilities and any other facilities or infrastructure which is required for operating the port or
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for ensuring the safe passage of vessels. For greater certainty, the marine corridor may be used for shipments of freight by winter sealift through ice during the months of December, January and February.

- A transportation corridor, for the purposes of the NBRLUP, may be used by any person for the purpose of transportation, including for the purpose of servicing the operation of the Mary River Mine Site and transporting iron ore from the Mary River Mine Site. Any industrial activity within the corridor shall be in accordance with the terms and conditions of any project certificates, permits, licences, or authorizations. Any incidental activities or regular maintenance associated with the upkeep or continued operation of the transportation corridor to ensure the safe operation of transportation-related infrastructure and activities will not require further review or amendment.
- Nothing in this Amendment will prevent or prohibit the public right of access for the purpose of transportation, as described in Schedule 21-2 of the Nunavut Land Claims Agreement ("NLCA"), on the Inuit Owned Lands described in that Schedule.
- Nothing in this Amendment will prevent or prohibit the use of the lands as described in this Amendment and as shown on Schedule "A" for the purpose of wildlife harvesting and/or traditional activities carried out by residents of the Region.
- Traditional activities may include hunting, fishing, camping and any other activity considered by residents to be important in maintaining a traditional lifestyle.
- Nothing in the NBRLUP will prevent or prohibit navigation in the marine environment in accordance with existing international law and conventions, federal laws and regulations applicable to shipping and navigation, and the NLCA.
- No new prohibitions are contained or proposed in this Amendment.



Dear Mr McPhee:

RE: NPC File # 148420 Mary River Phase 2 Expansion Project

1. The construction and operation of a new rail line approximately 110 km in length and generally following the routing of the existing Tote Road to connect the Mary River Mine Site with the Milne Inlet Port Site.
2. At the Milne Inlet Port Site, the development of a second ore dock to accommodate Cape sized vessels, a second ship loader, railway unloading and maintenance facilities, and additional support infrastructure, in addition to an enclosed crushing facility.
3. The ore shipping season is proposed to be from July 01 to November 15, annually. All efforts will also be made to ship fuel and freight during the open water season. However, the proponent is seeking the ability to conduct winter sea lift of freight if required to support on-going operations.

<http://npc.strata360.com/portal/project-dashboard.php?appid=148420&sessionid=>

The Nunavut Planning Commission (NPC) has reviewed the above noted project proposal. The NBRLUP was previously amended to include a transportation corridor associated with the Mary River Project (Appendix Q of the NBRLUP), but the previous amendment does not contemplate the proposed works and activities identified above. The NPC has determined that the construction and operation of a rail line, additional infrastructure at the Milne Inlet Port Site, and a proposed winter sealift constitute the development of a transportation corridor. Sections 3.5.11 and 3.5.12 of the North Baffin Regional Land Use Plan state:

3.5.11 All parties wishing to develop a transportation and/or communications corridor shall submit to the NPC a detailed application for an amendment. This application must include an assessment of alternative routes, plus the cumulative effects of the preferred route. It shall provide reasonable options for other identifiable transportation and utility facilities. [A]/[CR]

3.5.12 The NPC, and either NIRB or a panel acting under section 12.4.7 of the NLCA, shall publicly review the proposed corridor to determine whether the proposal adequately meets the guidelines set out in Appendices

J and K. Once it is determined that a proposal does meet the guidelines, the NPC may request the ministers to amend the plan to include the new transportation corridor. [A][CR]

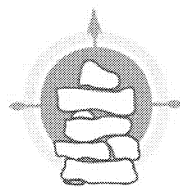
The NPC requests that you provide the additional information required under section 3.5.11 of the NBRLUP for the above-noted project proposal, which has been returned to you for further editing. The NPC reserves the right to request additional information as may be required.

My office would be pleased to discuss this request with you. If you have any questions, please do not hesitate to contact me at (867) 983-4632.

Sincerely,

A handwritten signature in black ink, reading "Jonathan Savoy". The signature is written in a cursive, flowing style.

Jonathan Savoy
Manager of Implementation
Nunavut Planning Commission



December 20, 2016

James T. Arreak
Chief Executive Officer
Nunavut Tunngavik Incorporated
PO Box 638,
Iqaluit, Nunavut X0A 0H0

Delivered via e-mail: jtarreak@tunngavik.com

Dear Mr. Arreak,

Re: Requested Report on Grandfathering of Existing Rights

Thank you for your letter dated December 5, 2016, reminding the Nunavut Planning Commission (NPC) of Nunavut Tunngavik Inc.'s (NTI) request made March 22, 2016 that the NPC retain outside legal counsel to prepare an independent legal opinion on the questions of whether the NPC possesses statutory authority to exempt uses of land over and above the exemptions provided in the NUPPAA, and the limits on the NPC's statutory authority (the **Questions**). While your letter suggests that it would be preferable to have the NPC retain the expert as the issue relates to the NPC's own jurisdiction, it also recognizes that this question "may remain a live issue", which I interpret as meaning if the questions posed are truly an issue, they would be contentious. Pursuant to my delegated authority to plan, schedule and conduct pre-hearing procedures for the purpose of gathering information and opinions from participants in preparation for the public hearing, I write to inform you the NPC will not be retaining its own expert at this time, as NTI hasn't demonstrated that it is necessary or appropriate in the circumstances as required by rule 27.1 of the NPC's *Rules of Procedure for Public Hearings and Public Reviews*.

The NPC generally conducts consultations to formulate a draft land use plan and receives comments and evidence from the participants, but does not submit its own evidence, except in special circumstances. Your letter identifies at least one submission already filed by a participant to the NPC relating to the Questions, and participants may make submissions and arguments on expert reports and other evidence relating to the Questions. With the public hearing approaching, any expert report the NPC may retain would have to be disclosed to all participants, and may prompt participants seeking to introduce new expert reports, whether before or after the public hearing.

With respect to the suggestion that the NPC failed to respond to the March 22 letter, the NPC held a pre-hearing conference in September 2016, and invited participants to identify information gaps and discuss timing of expert reports during its workshops.

The Commissioners met in early October to decide on the public hearing process and set timelines for submission of expert reports and other written submissions. To the best of my knowledge, NTI attended the pre-hearing conference but did not raise this issue.

As explained above, the NPC declines to retain its own expert to answer the Questions at this time. If NTI believes the Questions identified in March remain important to determine for the NPC's hearing process, NTI has always been able to obtain and file its own expert report. However, since all expert reports were required to have been filed by dates set out previously in the pre-hearing timeline, you will need to make a motion to seek leave of the Commissioners to file it late.

Respectfully,



Sharon Ehloak,
Executive Director, Nunavut Planning Commission

c.c Andrew Nakashuk, Chairperson NPC
 David Rochette, Regional Director General, Nunavut Regional Office, Indigenous and Northern Affairs Canada
 David Akeeagok, Deputy Minister, Environment, Government of Nunavut
 Navarana Beveridge, Executive Director, Qikiqtani Inuit Association,
 Paul Emingak, Executive Director, Kitikmeot Inuit Association
 Gabriel Nirlungayuk, Executive Director, Kivalliq Inuit Association Chairperson



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December 05, 2016

Andrew Nakashuk
Chairperson
Nunavut Planning Commission
P.O. Box 1797
Iqaluit, NU X0A 0H0

Dear Chairperson Nakashuk,

Re: Reply – Grandfathering of Existing Rights

On March 22, 2016, Nunavut Tunngavik Inc. (NTI) wrote to the Nunavut Planning Commission (NPC) regarding a Government of Canada (GoC) proposal that the Nunavut Land Use Plan provide for “additional grandfathering” of existing mineral rights beyond the provisions of the Nunavut Planning and Project Assessment Act (NUPPAA).

In that letter, NTI expressed concern that additional grandfathering raised fundamental jurisdictional questions that required investigation (letter appended). NTI proposed that, as soon as possible, NPC retain outside legal counsel to prepare and circulate an independent legal opinion, on two questions:

- 1) whether the NPC possesses statutory authority to develop a land use plan that would exempt uses of land from the plan’s requirements, over and above the exemptions provided in NUPPAA, and
- 2) if so, having regard to the GoC’s current recommendations, what are the limits, if any, on such statutory authority?

NPC has not responded to NTI’s proposal. In May 2016, the GoC retracted its proposal, in consideration of NTI’s concern. The World Wildlife Fund’s August 2016 report regarding grandfathering does not address the question of whether NPC has the authority to provide for more grandfathering beyond NUPPAA. Despite the GoC’s retraction, this question may remain a live issue: a number of participants assume that the Nunavut Land Use Plan may expand on NUPPAA’s grandfathering provisions, and are likely to continue advocating that the NPC draft the Plan accordingly. As the issue relates to NPC’s exclusive responsibility, NPC is best placed to seek an independent legal opinion on this issue. NTI continues to recommend that NPC do so.

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In light of the short time that remains prior the scheduled 2017 public hearing, please treat this letter as time sensitive, and reply by December 10, 2016. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arreak', with a large, stylized loop to the left.

James T. Arreak,
Chief Executive Officer

Enc.

c.c. David Rochette, Regional Director General, Nunavut Regional Office, Indigenous and Northern Affairs Canada
David Akeeagok, Deputy Minister, Environment, Government of Nunavut
Navarana Beveridge, Executive Director, Qikiqtani Inuit Association,
Paul Emingak, Executive Director, Kitikmeot Inuit Association
Gabriel Nirlungayuk, Executive Director, Kivalliq Inuit Association

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Canadian Science Advisory Secretariat

Science Advisory Report 2014/059

National Capital Region

SHIPPING PATHWAYS OF EFFECTS: AN OVERVIEW

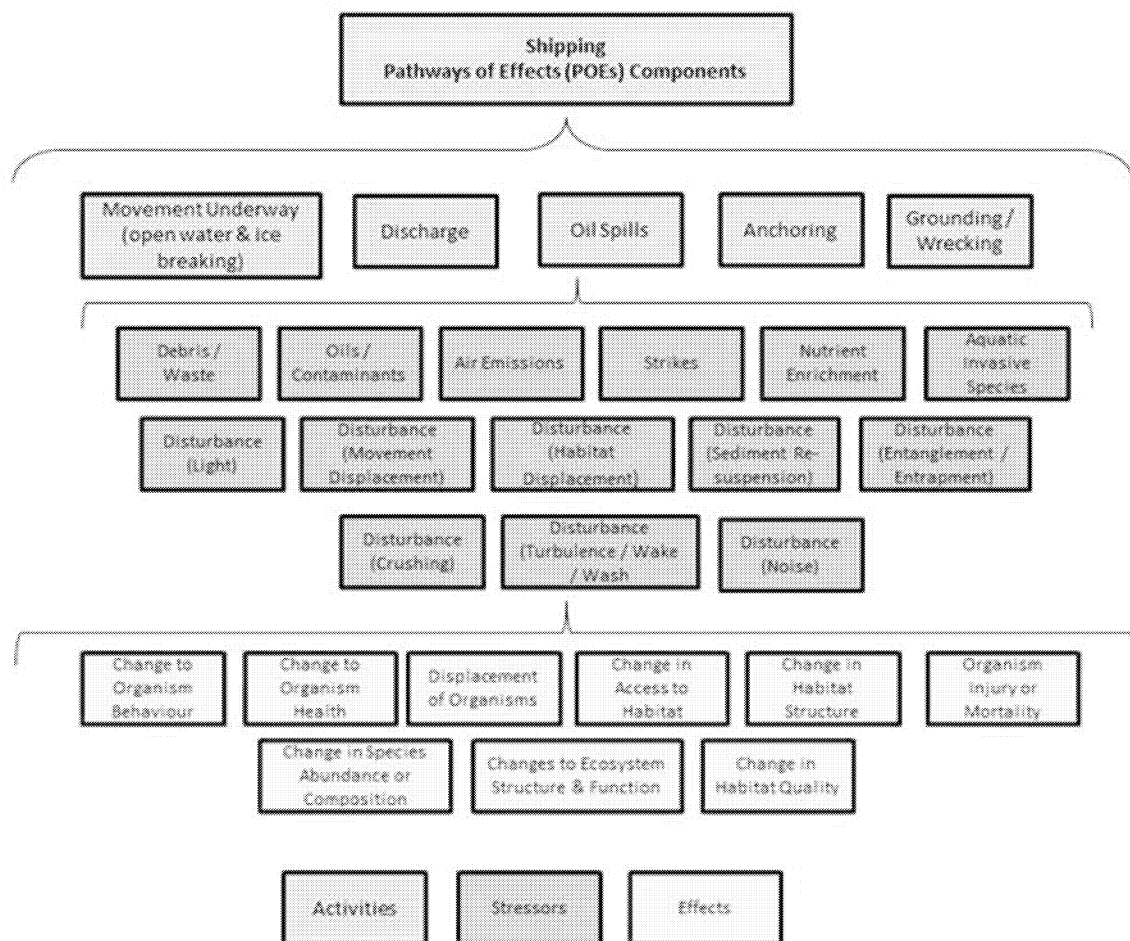


Figure 1. Shipping Pathways of Effects components: activities, stressors, and effects.

Context:

Canada is committed domestically and internationally to mitigating the potential impacts of human activities on the environment. Pathways of Effects (PoE) models are an important tool to illustrate the linkages between activities and their potential impacts on various aspects of the ecosystem. In addition, PoEs are essential to the development of threat and risk assessments.

This Science Advisory Report provides an overview of shipping PoEs (i.e. anchoring, grounding, movement underway, oils spills, and discharge) and their potential impacts on aquatic ecosystems. This advisory report is intended as a communication tool and provides general guidance to inform more detailed risk assessments related to shipping in Canadian waters.

This Science Advisory Report summarises the outcomes of the national peer review meeting held October 1-3, 2013 in Ottawa titled Science Advice for Pathways of Effects for Marine Shipping. Additional publications from this meeting will be posted on the [Fisheries and Oceans Canada \(DFO\) Science Advisory Schedule](#) as they become available.

SUMMARY

- This science advisory report is intended to provide general advice on how shipping activities may potentially impact the marine and freshwater environment. The Pathways of Effects (PoE) models included in this report are general and simply illustrate linkages that may not be universally applicable. The potential impacts of shipping can be widespread or localised, and may be chronic or acute.
- The PoE components included in this report (i.e., movement underway, discharge, oil spills, anchoring, and grounding) are independent of time and space constraints, and do not address the frequency, likelihood of occurrence, nor magnitude of potential impact(s) on an ecosystem. In no way should this advice or the PoE components be interpreted as risk or threat assessments.
- A suite of stressors resulting from movement underway (i.e. water mixing, substrate disturbance, noise emissions, icebreaking, strikes, wake, and light emission) may lead to changes in habitat, community structure, and the health (fitness) and survival (mortality) of organisms.
- Operational and incidental or accidental discharges associated with shipping can result in the discharge of aquatic invasive species, debris, oils and other aquatic or atmospheric contaminants, and nutrients (e.g., via grey water, sewage). Such discharges can result in changes to habitat, community structure, the fitness, mortality, and/or function of aquatic organisms.
- Oil spills are one of the most damaging events in the aquatic environment, affecting multiple species and habitats. Spill recovery measures are often largely ineffective and long-term chronic ecosystem effects often result.
- Anchoring may create vertical obstructions in the water column and/or may result in substantial changes to the substrate composition and structure resulting from crushing and/or sediment re-suspension. Changes to the substrate as a result of anchoring may alter benthic habitats and may result in sub-lethal impacts or an increase in mortality of benthic organisms.
- Vessel grounding can affect the substrate, habitat, and benthic organisms. Groundings are more likely near shore when approaching ports but could also occur offshore (e.g., where shallow seamounts or ridges are located).
- The environmental effects of shipping are multifaceted, with potential consequences on all structures and components of the ecosystem. As such, PoE models can be strongly inter-related leading to linkages at various levels. However, given many of the linkages have limited documentation of varying quality and quantity, predicting the PoEs can be challenging. The PoE components included in this report were developed based on the current state of knowledge with many potential linkages remaining to be thoroughly quantified.

INTRODUCTION

This report provides advice on the potential impacts of shipping on Canadian aquatic ecosystems including oceans and large lakes and rivers (e.g., Great Lakes, Mackenzie River, Saint Lawrence River, etc.). The Pathways of Effects (PoE) components in this report are general and the linkages illustrated may not be universally applicable. It will be necessary to

consider more specific endpoints when conducting risk assessments for specific areas or situations.

In this report, 'shipping' is considered to include all vessels, regardless of type and size. 'Shipping activities' include the normal operations of vessels (i.e. movement underway, discharge, anchoring) as well as potential accidents (i.e. oil spills, grounding). The variability among potential impacts and different types and/or sizes of vessels is not included in this report.

The potential impacts of shipping included in this report are considered independently of time and space; they are intended to simply illustrate possible linkages among activities and impacts. Further, the PoEs in this report do not consider the frequency, likelihood, nor magnitude of the potential impacts on an ecosystem. Such estimates can only be determined through a thorough risk assessment. More area-based/regionally-specific assessments should consider any applicable regulations that may mitigate potential impacts.

ASSESSMENT

General PoEs for five shipping activities are presented below in the order they were discussed at the peer review meeting (i.e., movement underway, discharge, oil spills, anchoring, and grounding). The content of this advisory report is derived from the discussions at the peer review meeting, the expert opinion of participants who attended this advisory process, and a literature review.

The general PoEs for shipping activities are as follows:

1. Movement Underway

Pathway of Effects

Transiting ships create a wake and propeller wash as they move through the water column, emit a variety of sounds and intensities of light into the surrounding environment, and can interact with ice and organisms (if present).

State of Knowledge of Stressor-Effect Linkages

The wake and propeller wash of moving vessels can affect community composition and abundance, particularly of benthic organisms. Wake and propeller wash can also change the physical structure of shorelines and bottom habitats through sediment disturbance and/or erosion, which may potentially render them unsuitable for use by organisms. These stressors can also cause water mixing that may change the physical characteristics of the local environment (e.g., temperature, turbidity, nutrients).

Vessel strikes to aquatic organisms by direct collision with the hull and/or the propeller blades are known to cause injury and mortality, particularly large baleen whales. Strikes are most likely to occur where there are aggregations of species in time and space that are intersected by concentrated vessel traffic; the probability of a vessel strike being lethal increases with vessel speed.

Icebreaking by vessels can change the structure of the ice platform, may alter the behaviour of organisms, separate young from their mothers, and affect over-ice mobility of certain species (e.g., caribou, polar bears). Disturbance to ice habitat may also displace organisms or cause entrapments, injury, or mortality of ice-associated species. Impacts on pack ice can be temporary (i.e., opened channel refreezes behind the vessel); however impacts on landfast or multi-year ice tend to be chronic (persist) for the duration of the ice-cover season.

Shipping is the dominant source of manmade broadband noise in aquatic environments and the lower frequencies can radiate over large distances and depths. In higher traffic areas, this type of noise is considered by the scientific community as a continuous (chronic) sound and modifies the natural acoustic characteristics of benthic and pelagic habitats (i.e., soundscapes). A variety of organisms use naturally-produced sounds in their vital activities which can be compromised by vessel noise and may lead to effects on organism health and viability.

Artificial light from ships at night can be detected by organisms in and above the water column and could result in altered behaviour, disorientation, and/or the displacement of species from their habitats, particularly marine mammals and birds.

Knowledge Gaps

- The acute and chronic effects of noise on fish and invertebrates (including commercial species).
- The potential for organisms to become habituated (ignore) or adapt (alter behaviour) to vessel noise, and to what degree they can be habituated or adapt to a new source.
- The chronic and acute effects of vessel noise on sensitive ecosystem components.
- Characterization of noise from more modern ship designs; previous prediction models may be outdated.
- The potential ecological consequences of increased icebreaking in the Arctic, particularly on ice-associated fauna and the timing and/or extent of polynyas.
- The impacts related to repeated vessel presence through an area.
- The potential changes to organism health as a result of vertical mixing.

2. Discharge

Pathway of Effects

There are a variety of discharges associated with shipping, including operational discharges (e.g., ballast water, waste disposal, air emissions, sewage/grey water, cargo sweepings and bilge water) and incidental or accidental discharges (e.g., lost cargo, hull fouling, oil and other contaminants). Catastrophic oil spills are acute pollution incidents resulting in the accidental discharge of substantial amounts of oil that can be considered chronic in impact are considered in section (3) below.

State of Knowledge of Stressor-Effect Linkages

Discharges may impact aquatic ecosystems via the release of aquatic invasive species, debris, oils, aerial and aquatic contaminants, greenhouse gases, black carbon, and nutrients/introduction of biological material (e.g., via grey water, sewage).

Although regulations related to ballast water exchange have been shown to be an effective mitigation strategy, shipping is considered a key pathway for the introduction of aquatic invasive species through ballast water or hull fouling. Aquatic invasive species may alter ecosystem structure and function as a result of changes to species abundance and distribution through predation or competition for resources (e.g., food, habitat).

Shipping debris can impact the fitness and mortality of organisms if it is ingested (particularly plastics), by crushing (bottom habitats or species), or by causing entanglements of species such as marine mammals, sea turtles, or birds. In some cases, debris may create new habitat and be colonized by species (e.g., invertebrates).

Contaminants can be released into the aquatic environment from shipping (e.g., chronic leaks) and can have varying impacts on the fitness of organisms or can cause mortality depending on the level of toxicity. Air emissions are another potential source of contaminants and may alter air quality from local to wide geographic distances, and can form black carbon deposits which can accelerate localized ice melting.

Shipping discharges can also include nutrients which may reduce water quality, may create algal blooms, and may potentially impact the health of organisms. In some cases, nutrient discharges can result in an increase in local productivity.

Knowledge Gaps

- Quantification of oil leakage and other unintentional discharges from vessels.
- Quantification of the relationship between the number of aquatic invasive species released into a new environment and the probability of population establishment.

3. Oil Spills

Pathway of Effects

Oil may be released into the environment through accidental or incidental discharges as covered above in (2) or it may enter the environment in a catastrophic event as a result of a shipping accident (e.g., collision, grounding). This section addresses the potential impacts of a catastrophic oil spill.

State of Knowledge of Stressor-Effect Linkages

Oil spills are possibly one of the most damaging events that can occur in the aquatic environment, and will likely impact any species or habitat interacting with the spill. Oil spills have the potential for long-term chronic negative impacts to the ecosystem depending on the volume and extent of the spill.

Oil spills can substantially impact organism fitness if individuals are exposed internally through ingestion or respiration. Similarly, organism health is impacted through external exposure such as oiling of feathers or fur, and smothering. Both internal and external exposure routes can ultimately result in mortality and changes to ecosystem structure and function.

Oil spills can also impact habitats through smothering and changes to the sediment composition as a result of increased hydrocarbons and other chemicals, which can render the habitat toxic or unusable to organisms.

Knowledge Gaps

- The dynamics of oil in ice-covered conditions; particularly in quantities that would be considered a 'spill'.
- The fate and behaviour of different oils in water and sediment under various conditions.
- Monitoring and establishment of baseline levels in order to determine pre-spill status of aquatic ecosystems.
- The chronic impacts of oil on various organisms.
- The potential effects of dispersants and other clean-up responses.

4. Anchoring

Pathway of Effects

A vessel at anchor may create vertical obstructions in the water column or changes to the substrate through physical abrasion or sediment re-suspension. Anchored vessels may also increase the emission of noise and light in the area where they are located (see previous section on discharge) or introduce aquatic invasive species into the environment.

State of Knowledge of Stressor-Effect Linkages

Vertical obstructions as a result of the anchor chain are particularly a concern for marine mammals and large fish (e.g., sharks). Many ships anchored in the same coastal area (e.g., while awaiting a berth at port) can create a “forest” of such obstructions. These vertical obstructions may result in injuries through collisions, altered behavior, and potentially displacement. Anchors and chains may also act as a vector for aquatic invasive species by providing habitat for these organisms.

If a ship at anchor is not secure, wind and wave action may cause the ship to move, dragging the anchor and/or anchor chain along the bottom. This activity may cause injury or mortality to organisms in the path of the anchor, particularly static organisms (e.g., vegetation, corals, sponges). The substrate itself can also be altered by a moving anchor and/or anchor chain which may destroy benthic habitat or render it unsuitable for use by benthic organisms. In addition, sediments may be suspended in the water column which can reduce organism health through smothering. A loss of habitat generally leads to reduced abundance and often to declines in species abundance and/or composition.

Knowledge Gaps

- In general, the potential impacts of anchoring are less studied than other aspects of shipping.
- Quantification of the effects of anchoring depending on size and length of anchors and chains, spacing between anchored vessels, and the repetition rate and interval between multiple anchorings).
- Further understanding of anchoring/anchor chains as a vector for aquatic invasive species.
- The effects of anchoring on benthic fauna and flora, and the means to mitigate these impacts.

5. Grounding

Pathway of Effects

Vessel grounding occurs when the hull makes contact with the bottom, which usually creates a substrate disturbance and/or the release of materials (including aquatic invasive species) from the vessel into the environment.

State of Knowledge of Stressor-Effect Linkages

Grounding most commonly results in substrate alteration (e.g., crushing or gouging of the bottom), damage or displacement of biota, and/or sediment re-suspension. However, in some cases, sunken vessels can provide additional or new habitat. Singly and in aggregate the combination of these effects can lead to changes in species abundance and/or composition.

Accidental discharges (e.g., fuel, oil, ballast, contaminants) or cargo spills as a result of grounding have the potential to impact the environment (see previous section on discharge).

Knowledge Gaps

- Impacts of the release of cargo and contaminants from sunken or grounded vessels.

Sources of Uncertainty

Information on the environmental effects of shipping is multifaceted, with potential consequences on virtually all structures and components of the ecosystem. As such, PoE models for shipping activities can be strongly inter-related. Although this report is focused on the potential linkages between shipping and the aquatic environment, there may also be impacts to components of terrestrial ecosystems.

Many of the linkages have limited documentation with which to predict potential effects. Consequently, the PoE models were developed based on the current state of knowledge with many potential linkages still requiring thorough documentation. Regardless of the body of evidence available, any potential linkage that could be substantiated by literature or expert opinion was included in the PoE overviews.

Although not considered in this report, there are undoubtedly cumulative effects resulting from multiple pressures that should be considered when implementing an ecosystem-approach to management.

Specific gaps in knowledge for each PoE component are identified in the previous sections.

CONCLUSIONS

This science advisory report provides general advice on how shipping activities may potentially impact the marine and freshwater environment. The potential impacts of shipping can be widespread or localised, and may be chronic or acute. The environmental effects of shipping are multifaceted, with potential consequences on all structures and components of the ecosystem. As such, PoE models can be strongly inter-related leading to linkages at various levels. However, given many of the linkages have documentation of varying quality and quantity, predicting the PoEs can be challenging. The PoE components included in this report were developed based on the current state of knowledge with many potential linkages remaining to be thoroughly quantified.

The PoE components included in this report (i.e., movement underway, discharge, oil spills, anchoring, and grounding) were considered independent of time and space constraints, and do not address the frequency, likelihood of occurrence, nor magnitude of potential impact(s) on an ecosystem. In no way should this advice be interpreted as a risk or threat assessment.

OTHER CONSIDERATIONS

There are domestic and international regulations that could provide guidance when conducting shipping risk assessments or when considering mitigation measures for potential impacts. In general, regulations will differ according to the size of the vessel, with larger vessels often subject to more stringent regulations than smaller ones.

There are other anthropogenic activities other than those associated with shipping that may impact various aspects of an ecosystem. It is acknowledged that the combination of all of

these activities, along with potential confounding effects from natural drivers, may result in cumulative effects on an ecosystem.

It is noted that there may be impacts associated with rescue and spill response activities (e.g., salvaging, deployment of skimmers and booms, etc.) that have not been covered in this report but that may have environmental impacts.

Although fishing gears may be deployed when a vessel is operating, the potential impacts of fishing gears on an ecosystem are not included in this report. Two science advisory processes were previously conducted to discuss the potential impacts of fishing gears on ecosystem components.

The titles of these meetings were:

- (i) Impacts of trawl gears and scallop dredges on benthic habitats, populations, and communities (2006) and
- (ii) Potential impacts of fishing gears (excluding mobile bottom-contacting gears) on marine habitats and communities (2010).

Similarly, a science advisory process to review the scientific information on the potential impacts of seismic sound on fish, invertebrates, marine turtles and marine mammals was conducted in 2004.

SOURCES OF INFORMATION

This Science Advisory Report is from the national peer review process on Science Advice for Pathways of Effects for Marine Shipping held October 1-3, 2013 in Ottawa. The Proceedings from this meeting is available on the [Fisheries and Oceans Canada \(DFO\) Science Advisory Schedule](#).

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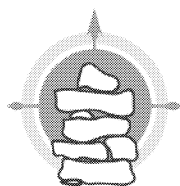


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DRAFT NUNAVUT LAND USE PLAN (NLUP)

TECHNICAL MEETING 2

AGENDA

CADET HALL, IQALUIT NUNAVUT

JULY 14-16, 2015

Tuesday July 14, 2015

- | | |
|---------|--|
| 9:00am | Opening Prayer |
| 9:05am | Welcome, housekeeping Items, introductions and review of agenda |
| 9:20am | Opening comments from NPC. |
| 9:45am | Opening comments from Parties. <i>Please comment on any action items from the first Technical Meeting.</i> |
| 10:15am | Break |
| 10:30am | Review and discussion of June 23-25 meeting summary, NPC response to June submissions, key remaining issues and related updates. |
| Noon | <u>Lunch</u> |
| 1:15pm | Community engagement needs and plans discussion
<i>Focus on determining future consultation needs and processes given consultations to date and remaining outstanding issues.</i> |
| 3:00pm | Break |
| 3:15pm | Caribou workshop agenda, participation and timing discussion
<i>Focus on articulating the outcomes needed by the Caribou Technical Workshop (date to be determined)</i> |
| 5:00 pm | Meeting adjourns for the day; closing prayer |



9:00am	Opening Prayer
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9:05am Welcome, housekeeping items, and review of the previous day

9:15am Transportation corridor discussion (marine and terrestrial)
Focus on how linear infrastructure should be addressed in the NLUP.

10:15am	Break
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10:30am Existing mineral and oil and gas rights discussion
Focus on proposal to grandfather all mineral rights through to mine development.

Noon Lunch

1:15pm Bird setback discussion
Focus on setback distances proposed and proposed land use plan regulations for certain key bird habitats.

2:15pm IOL “incursions” discussion
Focus on proposed NLUP designations for Inuit-Owned Land parcels (note: “slivers” should be addressed by GIS experts prior to or following this meeting).

3:00pm Break

3:15 pm IOL “incursions” discussion continues

5:00pm Meeting adjourns for the day; closing prayer

7:00pm *OPTIONAL: IOL discussion may be continued if so agreed.*

DRAFT NUNAVUT LAND USE PLAN

NUNAVUT PLANNING COMMISSION TECHNICAL MEETING

TRANSCRIPT

CADET HALL

IQALUIT, NUNAVUT

JUNE 23 to JUNE 26, 2015

ATTENDEES

NPC: Chair of the Commission	Hunter Tutu
NPC: Executive Director	Sharon Ehaloak
NPC: Director of Implementation	Brian Aglukark
NPC: Senior Planner	Jon Savoy
NPC: Senior Planner	Peter Scholz
NPC: Legal Counsel	Alan Blair
NPC: Office Administrator	Jimmy Tordin
NPC: Manager of Translations, Interpreter	Tommy Owljoot
NPC: Inuktitut Interpreter, Regional Planner	Annie Ollie
Moderator:	David Boote
Moderator:	David Livingstone
Interpreter, French	Abednego Shu
Interpreter, French	Emmanuel Griffith
Interpreter, Inuinnaqtun	Henry Ohokannoak
Interpreter, Inuinnaqtun	Tuppittia Qitsualik
Interpreter, Inuktitut	Sutukie Joamie
Transcriptionist	Jasmine Adkins
AANDC	Jessica Bos
AANDC	Paul Budkewitsch
AANDC	Catherine Conrad
AANDC	Karen Costello
AANDC	Spencer Dewar
AANDC	Tamara Fast
AANDC	Laura Harris
AANDC	Tat Ma
AANDC	Erika Marteleira
AANDC	Chris Morton
AANDC	James Neary
AEM/Chamber of Mines	Stephane Robert
Baffinland	Erik Madsen
Baffinland/Env Dynamics Inc.	Mike Settingington
Baffinland	Oliver Curran
Baffinland	Joe Tigullaraq
CanNor	Tineka Simmons
CTA Review Panel	David Cardin
CTA Review Panel	Duncan Dee
NWT/Nunavut Chamber of Mines	Elizabeth Kingston
DFO	Chris Lewis
DND	Dwayne James
DND (phone)	Greg Matthews
Department of Justice	Sina Muscati
DPRA Canada (GN consultant)	Vicki McCulloch
EC	Bruce MacDonald
Eeyou Marine Region Planning Commission	Chantal Otter Tetreault
Executive, Chamber of Mines	Alex Buchan (via phone)
GN	Denise Baikie
GN	Mitch Campbell

GN	D Karadag
GN	Bernie MacIsaac
GN	Gabriel Nirlungayuk
GN	Jennifer Pye
GN	Vicki Sahanatien
GN	Arif Sayani
GN Health	Michelle LeBlanc Havard
GN DoE	Linda Vaillacourt
GN/ED&T	Lou Kamermans
GN/ED&T	David Kunuk
GNWT	Jan Adamczewski
GNWT	Karin Clark
iPolititics.ca	James Munson
Kivalliq Inuit Association	Luis Manzo
Kivalliq Inuit Association	Jeff Hart
Kitikmeot Inuit Association	Luigi Torretti
Kitikmeot Inuit Association	Wynter Kuliktana
Kitikmeot Regional Wildlife Board	Ema Qaggutaq
Kivalliq Wildlife Board	Leah Muckpah
Lawson Lundell	Christine Kowbel
Mayor of Chester	Barney Aggark
Nunatsiaq News	David Murphy
NMRPC	Henry Alayco
NMRPC	Mishal A. Naseer
NRI	Jamal Shirley
NTI	Marie Belleau
NTI	Bert Dean
NTI	Andrew Dunford
NTI	Naida Gonzalez
NTI	Miguel Chenier
NTI	Paul Irngaut
NTI	Robert Karetak
NTI	Hannah Uniuqsaraq
NTI	Glenn Williams
NIRB	Tara Arko
NIRB	Sophia Granchinho
NWMB	Jason Akearok
NWMB	Karla Letto
NWMB	Peter Kydd
Parks Canada (Phone)	Alaine Joseph
QIA	Luc Brisebois
QIA	Rosanne D'Orazio
QIA	Steven Lonsdale
QIA	Nigel Qaumariaq
QWB	Jason Mikki
QWB	Jackie Price
Transport Canada	Adam Downing
Transport Canada	Jaideed Johar
Transport Canada	Dale Kirkland
Transport Canada	Jason Rosadiuk
WWF Canada	Brandon Laforest
WWF Canada	Rachel Gosselin

Introduction

Sharon: Good morning everyone, and thank you for coming to this session. We really appreciate everyone's attendance. My name is Sharon Ehloak, and I am the Executive Director for the Nunavut Planning Commission. Before we get into our presentation for this morning, I'd like to do a few housekeeping items and then do a roundtable of introductions, so everyone knows who is participating here today. We have all our registered participants seated around the U-shaped table.

First of all, our session is going to be recorded. We have Rachel [Jasmine] who is our stenographer going to be recording as well. The session is open to the public. The media is welcome to attend. We've asked them not to bring their cameras in, and if they want to interview you, to interview out in the halls so it's not disruptive to any of the participants. So before we get into everything I would ask everyone to mute your cellphones down so it's not interrupting the session. Tommy Owljoot is going start with our opening prayer, so I'll ask Tommy to come up please.

Tommy: *(Opening Prayer)*

Sharon: Thank you, Tommy. So I'd like to introduce the Commission team, and then do an introduction of David and David, our facilitators. And to clarify, David and David – David Boote and David Livingstone – are contracted by the Commission to be independent, to provide objective facilitation for this session. Our legal counsel for the Commission is Mr. Alan Blaire. Brian Aglukark is our Director of Plan Implementation and Policy. Peter Scholz and John Savoy are our Senior Planners. Annie Ollie is one of our planners, translator, interpreter, mapper extraordinaire at the back. Jimmy Tordin is our Office Administrator, so if you have any needs or questions about the session, Jimmy is our point person. He's our team lead for organizing the meeting. I'll ask Tommy to come up, our Manager of Translations and introduce all the translators that we have here today.

Tommy: Thank you, Sharon. In the booths behind me are the interpreters. French interpreting is Emmanuel Griffith, Ottawa; Abednego Shu, Yellowknife; Inuktitut interpreter, Sutukie Joamie originally from Iqaluit living in Ottawa; and I think Sharon has introduced our extraordinary Annie. She's over there at the back. I'm Tommy Owljoot, and I was surprised to see Martha at the back helping out. Inuinnaqtun is Henry Ohokannoak and Tuppittia Qitsualik. Thank you.

Sharon: Thank you, Tommy. David, I'll turn it over to you for the introductions and then do the roundtable.

David L: Thanks, Sharon. So my name is David Livingstone, and as Sharon has said the other David and I have been engaged by the Planning Commission to facilitate this meeting. We've both been involved in the Planning Commission work in the last couple of years. To be real clear, we are neutral in the development of this Plan, although we're both very committed to ensuring that a Plan is developed, a good Plan. I think that's the feeling in the room generally. We want to work together to develop the best Plan possible, recognizing that it will never be perfect, and it is 1st generation Nunavut-wide Land Use Plan. I've looked through the submissions that have been provided over the last few days, and over the time I've been involved in this land use planning exercise, I've seen a fair bit of evolution, and I was really pleased, really impressed with the submissions that were received by the Commission in the last few days. It demonstrates a great deal of progress, I think, by all parties. I personally think about 80% of the recommendations and comments that were received will be readily addressable.

There's about, I don't know, 10% or 15% that are more difficult, and I hope that we'll get a chance during next few days to discuss those in some detail. Then there's about 5% that are thorny, continue to be thorny, and will take a fair bit of work to resolve. But I'm optimistic that we'll make some real good progress over the next few days and come out better and more informed around the table. So, part of my role will be to be the gatekeeper, the time keeper, and try to keep us all on time. It's an ambitious agenda, and we may have to do some work in the evenings as well, and there's a possibility it will extend into Friday morning. We'll see. We'll do our best to be timely and efficient. The other thing I'll try to do is to avoid blood on the floor. To that end, I've got a little first aid kit here just in case it becomes necessary. I hope not. If things really get out of hand, there's a jet fuselage behind us here that's got two ejector seats, and I'm told that they both work. Hopefully we don't have to test them, but it is a standby. David can introduce himself, but the two of us will be the tag team for the next couple of days.

David B: Thank you, David. Yes, my name is David Boote, and I also have assisted over the last couple years with the Nunavut Planning Commission, and I'm here along with David today, this week, to help move things forward. As everyone in the room knows the development of a Nunavut-wide Land Use Plan has been going on for a while, and I think there clearly is a strong appetite to make some serious progress here. I think the purpose of these days spent together reviewing the Plan and reviewing comments from the various parties are to understand what the issues really are. I know it's a bit of a cliché but I think it's extremely important in this context to get past positions and get to the interests that are at play here so we can actually find a common ground that we're going to need to narrow differences. I think it is also worth repeating what David said that hopefully everyone is going through this process with an understanding that we are looking at a 1st generation land use plan for Nunavut. There will be some thorny issues for sure, but for the benefit of Nunavut, there is a need to make some progress, and we're looking forward to assisting in that process over the next few days. Thank you.

David L: Just a couple of additional housekeeping items: For purposes of transcription and for the record, it would be handy that when people introduce themselves or make a comment later, they repeat their name, so Jazz can keep track of the comments, and speak slowly. I'm guilty of speaking too quickly too. But for the interpreters and the transcription, it would be helpful to speak relatively slowly and clearly. We're going to do a quick roundtable starting with Alan on my left here. Just introduce yourselves, please, and indicate which organization you're representing, and then we will then go to Sharon for some opening remarks and move into the agenda at that point. Okay, Alan?

Sharon: David, I already introduced our team, so if we want to just go right to Sina with the federal government...

Sina: Good morning. My name is Sina Muscati and I'm here as legal counsel for the Government of Canada.

Spencer: Sina, we might want to change seats. My name is Spencer Dewar. I'm from Aboriginal Affairs and Northern Development, Canada, but today I'm speaking on behalf of the Government of Canada. We have representation from several departments in the room or via teleconference: Aboriginal Affairs, Government of Canada, Fisheries and Oceans, Transport Canada, Department of National Defense, Parks Canada, and Natural Resources Canada. That's it. Thank you.

Ema: Good morning. My name is Ema Qaggutaq. I'm the Regional Coordinator for the Kitikmeot Regional Wildlife Board.

- Jason: (Translated). I am Jason Mikki. I work with Jackie Price. She's stuck in Igloolik due to weather. She will be here with us, probably this afternoon. Thank you.
- Leah: Leah Muckpah. I'm the Regional Coordinator for the Kivalliq Wildlife Board, and I'm representing the seven Kivalliq HTOs as well. Good morning.
- Karla: Ulaakut. Karla Letto. I'm a Wildlife Management Biologist with the Nunavut Wildlife Management Board.
- Barney: Good morning. My name is Barney Aggark representing the Hamlet of Chesterfield Inlet, Mayor for the community of Chester. Good morning.
- Brandon: Good morning. My name is Brandon Laforest representing World Wildlife Fund Canada.
- Henry: Good morning. My name is Henry Alayco. I have to say it twice like David said, Henry Alayco. Good morning to all of you. I'm the Chairperson for the Planning Commission of Nunavik Marine Region Planning Commission. Thank you.
- Mishal: Good morning. My name is Mishal Naseer. I'm the regional planner for the Nunavik Marine Region Planning Commission. Thank you.
- Chantal: Good morning. My name is Chantal Otter. I am the interim Chairperson for the Eeyou Marine Region Planning Commission.
- Elizabeth: I'm Elizabeth Kingston. I'm the General Manager for Nunavut with the NWT and Nunavut Chamber of Mines. With me - I'm going to skip a person - is Christine Kowbel, who is our legal counsel this morning.
- Stephane: Stephane Robert from Agnico Eagle, representing Chamber of Mines.
- Oliver: Good morning. Oliver Curran with Baffinland. We also have Eric Madsen, VP of Environment Health and Safety. With Baffinland as well, we have Christine Kowbel as our legal counsel, and this afternoon we'll have Mike Settrington arriving and representing Baffinland as technical advisor.
- Gabriel: Ulaakut. I am Gabriel Nirlungayuk. I represent Nunavut Government. (*Translation was overlaid but not in English*).
- Jennifer: (*First portion cut off from above translation*). ...Departments of Community Government Services, Cultural and Heritage, Economic Development and Transportation, Environment, Executive and Intragovernmental Affairs, Health, Justice and the Nunavut Research Institute. Thank you.
- Karin: Good morning. Karin Clark with Department of Environment and Natural Resources from the Government of the Northwest Territories.
- Jan: Good morning. I'm the second person from the Government of Northwest Territories. I'm also with Environment and Natural Resources in Yellowknife, Ungulate Biologist. Thank you.

- Tara: Good morning. My name is Tara Arko, and I'm Director of Technical Services with the Nunavut Impact Review Board.
- Sophia: Good morning. I'm Sophia Granchinho, Senior Technical Advisor with the Nunavut Impact Review Board.
- Luis: Good morning. My name is Luis Manzo, Director of Lands of Kivalliq Nunavut Association.
- Jeff: Good morning. Jeff Hart. Kivalliq Inuit Association, Lands.
- Wynter: Good morning. Wynter Kuliktana, Senior Lands Officer for the Kitikmeot Inuit Association.
- Luigi: Luigi Torretti, Senior Environment Officer, Kitikmeot Inuit Association.
- Nigel: Ulaakut. Nigel Qaumariaq. Qikiqtani Inuit Association.
- Rosanne: Rosanne D'Orazio. I'm the Director of Lands and Resources with the Qikiqtani Inuit Association here in Iqaluit.
- Naida: Naida Gonzalez, Consultant working with NTI and the RIAs.
- Bert: Good morning, everyone. My name is Bert Dean. I'm with NTI as well, the Wildlife and Environment Department. We also have Miguel Chenier from our Lands Department, Andrew Dunford from our Social and Cultural Department, Hannah Uniuqsaraq from our Policy, Director of our Policy Department, and Robert Karetak from our Wildlife and Environment Department, and probably joining us when she's back from holidays will be Marie Belleau from our Legal Department. Thank you.
- David L: Great. Thank you everyone. Was there anybody...is there anybody sitting at the back that hasn't been introduced? Don't be shy. Alright, and Jasmine, is our transcriptionist, as I mentioned earlier. A lot of familiar faces and not-so-familiar faces. Gabe, I don't know if you remember me from that trip to Japan decades ago. We'll have to get caught up, and a number of other folks that I see, so it's kind of interesting.
- Alright, Sharon I'll turn it over to you for opening remarks.
- Sharon: Thank you, David. So, our agenda was at the back. I think we have a pretty aggressive week ahead of us. As David said, it'll be at the discretion of the facilitators whether or not we'll do night sessions, and we'll advise you of that. We are really grateful for the submissions. They were very helpful, and the details will support as we move forward in this process guidance for the Planning Commission. We have a presentation this morning that we're going to get into momentarily. Our presentation will provide you a general overview of the Land Use Plan, discuss how the Land Claims Agreement guides the planning in Nunavut. We're going to review the development of the Draft Nunavut Land Use Plan and its contents, explain how this process will move forward, and how your active participation is essential for the success of this presentation. As we go through the presentation, the Commission staff will be exchanging off on who will be speaking to the various parts of our presentation. After our presentation, we will have plenty time for discussion, and we look forward to that from the Commission. So, up on the screen you see Nunavut from space.

On the right, you can see Baffin Island. At the bottom is Southampton Island where Coral Harbour is, and above that, you can see Melville and Boothia Peninsula. The Nunavut Land Claims Agreement provides many benefits to Inuit of the Nunavut Settlement Area including a unique integrated co-management regulatory system with strong involvement of Nunavummiut in decisions related to resource use and development, and tell me if I'm going too fast.

The Nunavut Land Claims Agreement, Article 11, Land Use Planning, which is the primary article that governs the Nunavut Planning Commission to develop land use plans for all parts of the territory that guide and direct the resource use and development in the Nunavut Settlement Area. Land use plans must reflect the values and priorities of residents and provide for their existing and future well-being. Plans can manage or prohibit uses from occurring in areas that are important to Inuit.

The Nunavut Planning Commission is the "gatekeeper" of the regulatory system in the Nunavut Settlement Area. Proponents wishing to carry out activities in the Nunavut Settlement Area must first submit a proposal to the Commission to determine if the activities conform to the requirements of an approved plan. If the proposed land use is supported by the Plan, it may then be considered by other regulatory authorities.

Land use plans prepared by the Commission do not apply to the traditional Inuit land use activities such as hunting, fishing, and camping. Within municipal boundaries, our land use plans only apply to certain activities, such as industrial use, the deposit of waste, or the bulk storage of fuel.

The Draft Land Use Plan, first made public on September 7, 2012, has undergone consultation including engaging over 30 communities in Nunavut, Nunavik, Northern Saskatchewan and Manitoba, numerous Territorial and Federal Government Departments, Inuit organizations, environmental and non-government organizations, and industry. The public consultation phase of the planning process included meetings with elected officials in each community and public workshops where the content of the Draft Plan was reviewed, and the Priorities and Values of the residents were recorded, and I see many faces around the table that participated with us – NTI was with us on every single consultation except for where we were weathered, and we really appreciate support from all the parties. Thousands of areas that are important to Inuit were recorded during the unprecedented consultation. Each area is mapped and available in the individual community reports that are located on the NPC website. And before I turn the presentation over to Jon, Peter, and Brian, all the submissions that the Commission received as late as last night, are posted so all parties can see the submissions that were given to the Commission on the Commission website, Nunavut.ca. With that, I'm going to turn the presentation over to Peter, Jon, and Brian. Thank you.

Peter: Thanks Sharon. It is my pleasure to welcome our planning partners here. Regional planning improves certainty for investors, protects the environment, increases the rate by which impact assessments and other regulatory assessments can be processed, and reduces risk of conflicts over land. This presentation starts by taking us through the why and how of planning, so you can feel the confidence that we do in that statement.

The Nunavut Land Use Plan is planning on an epic scale: two million square kilometers of land and half that again of marine areas; consideration of ecosystems as a whole; planning that does not stop, or start, at the coast; opportunity to consider resource development in a broad context; and a central role for Inuit in the design and implementation of the plan. It is a privilege for all of us to be a part of

this. It is a model of regional planning rooted in local wisdom that the whole world needs, and our success here, your support in making it happen, will have ramifications far beyond our territory.

Not all of us work with regional planning on a regular basis. With your patience and permission, we will spend just a few minutes describing land use planning and regional planning and what they are about.

Land use plans are about the relationship between humanity and nature. We all, as a species, use the land. Our actions are coordinated. One person harvests food, another mines, another fishes, another builds roads, and another programs computers. All these things impact the land, the water, and the air. Since our impact is collective, our coordination must also be collective. Satellite images help relay all this and help show that regions transition into all other regions, and ecosystems know no boundaries.

Humanity has a huge impact on the Earth. For good or ill, we drink the water, gather from the land, and turn energy into electricity to run our devices. Our actions leave a mark on the planet. Decisions have multi-faceted results that last for generations. In this image of Canada in the winter, it almost seems as if people leave no mark. Yet by zooming in many times, the mark of people upon the land becomes very clear.

This image of Meadowbank shows just one of many development projects underway or proposed throughout the territory. By establishing what is important to protect before development occurs, we can both learn about those things, and protect them in a coordinated fashion. This takes most of the uncertainty out of the environmental assessment process. Also, we can consider social, economic and wellness effects in a coordinated fashion from the start, instead of asking proponents to do so in a piecemeal fashion for every project.

So how do we develop responsibly? How do we ensure that the Arctic in a century will be as beautiful as it is in this image? At a deeper level, what is the appropriate relationship between humanity and the Earth, or to dig up an old adage, the relationship between Man and Nature?

The first perspective is highly conservationist. In this perspective, the role of humans is to guard the Earth. It is our sacred trust. We must not harm anything, and to some degree, anything we do will take away from a natural perfection that existed before we came. The opposite perspective is that the Earth is a gift to us as a species, and we may use it however we will to benefit us.

Inuit Qaujimajatuqangit – I'm sorry for pronouncing that wrong - would have us understand something else. It would view humanity as part of a dynamic ecosystem...not only taking but giving, not only using but guarding, not only protecting but preserving. Thinking of humanity as an apex species in an ecosystem, our role is to tie and to bind. Planning is about formalizing and coordinating the stewardship role of our species.

Brian: The Nunavut Planning Commission creates those plans in coordination with all of our planning partners. We are merely the ears and the pen. All of you are the hands, feet, eyes, ears, heart, and soul. Only together can we create a plan that will steward the land effectively for this generation and for all the generations to follow.

The Nunavut Land Claims Agreement provides fundamental guidance on how the Commission must conduct land use planning. Article 11.2.1 reads as follows: “The following principles shall guide the development of planning policies, priorities and objectives:

- A. People are a functional part of a dynamic biophysical environment, and land use cannot be planned and managed without reference to the human community; accordingly, social, cultural and economic endeavors of the human community must be central to land use planning and implementation.
- B. The primary purpose of land use planning in the Nunavut Settlement Area shall be to protect and promote the existing and future wellbeing of those persons ordinarily resident and communities of the Nunavut Settlement Area, taking into account the interests of all Canadians. Special attention shall be devoted to protecting and promoting the existing and future well-being of Inuit and Inuit Owned Lands.
- C. The planning process shall ensure land use plans reflect the priorities and values of the residents of the planning regions.
- D. The public planning process shall provide an opportunity for the active and informed participation and support of Inuit and other residents affected by the land use plans such participation shall be promoted through various means, including ready access to all relevant materials, appropriate and realistic schedules, recruitment and training of local residents to participate in comprehensive land use planning.
- E. Plans shall provide for the conservation, development and utilization of land.
- F. The planning process shall be systematic and integrated with all other planning processes and operations, including the impact review process contained in the Agreement, and finally
- G. An effective land use planning process requires the active participation of both Government and Inuit.”

Peter: Article 10 of the NLCA sets up three levels or “filters” to project assessment.

- A. The land use planning filter is handled by Nunavut Planning Commission. It looks at the broadest perspective. It considers regions, ecosystems, and the territory as a whole. The intention is that regional planning will be guided by IQ, and identify key factors of concern and consideration.
- B. The environmental assessment filter looks at individual projects, and is handled by the Nunavut Impact Review Board with key factors of concerns identified by the NPC Eventually we hope ecological baselines and thresholds are articulated, and the NIRB looks in depth at the impacts of the proposed projects, their mitigation strategies, and recommends terms and conditions.
- C. The water licensing filter is handled by the Nunavut Water Board. The NWB looks in detail at chemical and physical impacts to water in Nunavut, to ensure the quality of water in streams and in lakes. Its work is for the most part based on hard science.

Planning allows the projects that fit into the overall development strategy of Nunavut; environmental assessment ensures those projects have minimal negative impacts, and water licensing looks closely at factors that impact water quality and quality.

Jon: In 2007, as part of a collaborative effort to develop Broad Planning Policies, Objectives and Goals, the NPC, Federal and Territorial Government Departments, and Nunavut Tunngavik Incorporated engaged in a series of comprehensive consultations. This process resulted in the identification of 5 broad goals with policies and objectives to support land use planning in the Nunavut Settlement Area:

- Goal 1 Strengthening Partnership and Institutions
- Goal 2 Protecting and Sustaining the Environment
- Goal 3 Encouraging Conservation Planning
- Goal 4 Building Healthy Communities, and
- Goal 5 Encouraging Sustainable Economic Development.

Each of these goals has a corresponding identical chapter number in both the Draft Nunavut Land Use Plan and the Options & Recommendation document that supports it. These Broad Land Use Planning Policies, Objectives and Goals, along with Article 11 and other relevant articles of the Nunavut Land Claims Agreement, have directly informed the development of the Draft Nunavut Land Use Plan.

Brian: Goal 1, Strengthening Partnership and Institutions, is about governance and transparency, and it has guided the planning process that the NPC has undertaken. The remaining four goals have directly informed the content of the Draft Plan, but before we discuss the relationship between those goals and the current Draft Plan, I will first provide a brief overview of the planning process that has been undertaken in consideration of Goal 1.

The Goal of Strengthening Partnership and Institutions is about coordinating agency functions, promoting IQ, and ensuring the strong involvement of Nunavummiut in the planning process. It has guided the land use planning process that has been undertaken to prepare the Draft Nunavut Land Use Plan over the last 7 years.

Over the last 7 years, the NPC has communicated with our planning partners with well over 50 letters, meetings, and sessions, with continuous invitations to provide input to the plan and the related process. We have visited all the communities on multiple occasions, either to collect Inuit Qaujimajatuqangit through land use or Use & Occupancy Mapping, or for a minimum of two visits each for the Nunavut Land Use Plan itself.

It is essential that land use plans prepared by the NPC reflect the priorities and values of residents. Since 2004, the NPC has been conducting Use and Occupancy Mapping that identifies how residents of all Nunavut communities use the land. This compilation of information represents approximately 400 personal interviews that inform land use planning decisions throughout the territory by identifying areas of importance to the communities.

Land use plans must be based on the best available information. In 2008, in addition to ongoing Use and Occupancy Mapping, the NPC began compiling information that would support the broad land use planning Goals that were identified. This included the identification of important wildlife habitat, a

survey of current economic activity and potential, as well as community infrastructure requirements and demographic information.

Throughout 2009, this compilation of information was further refined by working with our planning partners to identify specific Issues and Priorities that should be addressed in the Draft Nunavut Land Use Plan. This list of Issues and Priorities resulted in a series of working draft plans between 2010 and 2011 that focused on subjects where there was sufficient information available to inform land use planning decisions. This work led to the public release of the first Draft Nunavut Land Use Plan in September 2012.

Peter: In 2011, an Options and Recommendations document was prepared to inform the Draft Nunavut Land Use Plan. This document is the heavy one. It provides the background and rationale for the decisions that are included in the Draft Plan. It identifies the information that was considered for each issue and presents recommendations on how the issues should be managed in the Draft Plan. Although the Options and Recommendations document is not technically part of the Draft Plan, it is the primary resource to understand why the Draft Plan recommends the designations that it does. We will be referring to it throughout this technical meeting.

The document, I believe has started to be handed out. I'm sure you'll all have a copy soon. Subsection numbering has been added to the O&R so that the Nunavut Land Use Plan or NLUP and the numbering in the Options and Recommendation document, which is easier said as the O&R, have the same numbering system. So if you're looking at it, for example, 2.1.1.2 of the Land Use Plan, you can look at 2.1.1.2 of the O&R.

Each chapter, as mentioned, relates to a different goal from the 2008 agreement. The rationale for land use recommendations in the NLUP is primarily in the O&R. The Nunavut Land Use Plan is set up to be a day-to-day working document that people are using on a regular basis. This is the backup, so this is where most of our discussions are going to be, because this thing backs up this thing.

Brian: Between 2012 and 2014, the NPC conducted consultations on the Draft Nunavut Land Use Plan that included engaging over 30 communities in Nunavut, Nunavik, Northern Saskatchewan and Manitoba, numerous Territorial and Federal Government Departments, Inuit organizations, other Institutions of Public Government, environmental non-government organizations, and industry.

During visits to each community, the NPC met with elected officials, and hosted open house community meetings where the content of the Draft Plan was reviewed and feedback was collected. Thousands of areas that are important to Inuit were recorded during this unprecedented consultation process. This feedback was compiled in reports that were then reviewed with elected the officials during a return visit. The content of these reports forms an essential part of the identification of Community Priorities and Values.

The NPC also received written feedback on the Draft Plan from dozens of planning partners. All of the written submissions and community feedback was then considered and used to revise the Options and Recommendations document and Draft Plan. An updated version of the Draft Nunavut Land Use Plan was released in June 2014. Chapter 1 of the Draft Plan includes an introduction which sets the stage for this process, reviews the broad planning policies, objectives and goals as they were set in 2008, describes the approach to planning, reviews the purposes of the Plan, and the land use designations that are applied.

The plan is a first generation land use plan, it is a dynamic plan, and it is an adopted plan as we will explain in some detail as we work through the document. The Plan uses a variety of planning tools to provide direction on how land should be used.

Jonathan: We wanted to introduce the tools the Plan uses to provide direction. These are:

1. **Prohibited uses**, which identify incompatible land uses that do not conform to the Plan.
2. **Terms**, which identify requirements such as setbacks that land users must follow, as well as areas where there are cumulative impact concerns.
3. **Priorities and Values**, which identify priorities and values of residents that need to be considered in the design, review, and conduct of the activity. Priorities and Values can apply to all Land Use Designations.
4. **Direction to Regulatory Authorities**, which identify issues that regulatory authorities, where appropriate, need to address during the regulatory review of Project Proposals.

Land Use Designations mix the four land use tools I just described in different ways to manage land use. There are three types of land use designations: Protected Areas, Special Management Areas, and Mixed Use:

1. The first type of land use designation is a **Protected Area**, which prohibits certain and particular types of land uses that are incompatible with certain environmental and cultural values, and may identify terms to guide land use and/or direction to regulatory authorities. The intent of Protected Areas is to support environmental protection and cultural priorities.

It is important to note that a Protected Area is not like a park. It is an area that may have prohibited uses, terms, and direction to regulatory authorities that is intended to give strong protection to one or more aspects of considerable value.

For clarity, this can mean that a mine, or a road, or an oil well may be allowed in a Protected Area, but that certain values or ecological resources will have to be carefully protected during the design and assessment. You have to take the proposed regulations for each site designation individually. Protected Areas should not be thought of like parks. For example, the protected area around Sanikiluaq prohibits exploration for oil, protects certain birds through setbacks, but allows for mining.

2. **Special Management Areas** may restrict access to some uses or prohibit incompatible uses. Their purpose is to support the identified values of an area. They are shown as tan on Schedule A of the Plan. They may also identify Terms to guide land use and/or provide direction to regulatory authorities. Compared to Protected Areas, Special Management Areas provide more flexible management of areas of environmental or cultural importance. It is important to note that Special Management Areas also provide management for other values, including areas of economic potential as well as areas with existing land uses. The polygon 167 in the Plan is an example, where 167 prohibits tourism or conservation.

Again, for clarity, this means that a mine, or a road, or an oil well are allowed in a Special Management Areas, but that certain values or ecological resources will have to be protected when

planning the mine. You have to take the proposed regulations for each site designation individually. These areas should not be thought of as conservation or restriction zones.

3. **Mixed Use Areas** allow all uses and may identify direction to regulatory authorities. They are the uncoloured areas on Schedule A.

Brian: In addition to the three types of land use designations, the Draft Plan also includes a separate map, Schedule B, which provides Direction to Regulatory Authorities as well as watershed boundaries. This map identifies issues or values that regulatory authorities need to address during the regulatory review of the Project Proposal. For these issues, there may not have been enough information for the NPC to provide clear direction, but it may be possible for regulatory authorities to address the issues through a regulatory review of a project proposal. Schedule B provides a 'heads-up' of values or resources of importance in certain areas that should be considered in any regulatory or environmental assessment processes.

The most important aspect of this are the Community Priorities and Values that are identified through Use and Occupancy interviews, and during community consultations on the Draft Plan. Providing these Community Priorities and Values to proponents and regulatory authorities will ensure that community concerns are considered at an early stage in the design and regulatory review of proposed activities, as well as in how they are conducted.

Peter: Let's take a closer look at the land use designations in the Draft Plan and discuss how they relate to the four broad land use planning goals. We'll discuss each goal individually as we move through the NSA.

The intent of Goal 2, Protecting and Sustaining the Environment is to support environmental protection and management, and it focuses on the management of important wildlife habitat.

The following areas and issues have been identified to support this Goal:

- Key migratory bird habitat sites
- Caribou habitat
- Polar bear denning areas
- Walrus haul-outs
- Marine areas of importance
- Transboundary Considerations, and
- Climate Change

The Draft Plan proposes various ways to manage each of these issues and areas.

The intent of Goal 3, Encouraging Conservation Planning is also to support environmental protection and management, but it focuses on supporting the establishment and management of parks and conservation areas.

The way to think of it is taking an area that an agency wants to set up a park in and prevent incompatible uses from being done before that park is established. The following areas and issues have been identified to support this Goal:

Parks Awaiting Full Establishment
Proposed Parks
Proposed National Marine Conservation Areas
Thelon Wildlife Life Sanctuary
Migratory Bird Sanctuaries
National Wildlife Life Areas
Historic Sites, and
Heritage Rivers.

The intent of Goal 4, Building Healthier Communities, is to support community needs and cultural priorities, and it focuses on areas that are important to communities. This includes the following:

Community Areas of Interest, which means that an area where a lot of people in a certain community say is very important, it needs some level of protection.

Community Priorities and Values, which can include value components.

Community Land Use
Areas of Equal Use and Occupancy
Denesuline Areas of Asserted Title Claim
Transportation infrastructure
Unincorporated communities
Alternative energy sources
Community drinking water supplies
Land remediation
Contaminated Sites
DND Establishments and
North Warning System sites

As an example of a Community Area of Interest, the Draft Plan identifies Nettilling Lake as Protected Area where industrial activities are prohibited because of its importance to communities. It's near the top middle of Polygon 94 on this map. This area was identified by residents during consultations on the draft plan as an area that should be protected, and there has also been extensive use and occupancy activities recorded during individual interviews with residents.

Brian: The intent of Goal 5, Encouraging Sustainable Development, is to support economic opportunities and needs, and it focuses on the areas that are important to the economy. The following areas and issues have been identified to support this Goal:

Mineral potential
Oil and gas potential, and
Commercial fisheries

For example, the Draft Plan includes Special Management Areas for areas of high mineral potential, which prohibits the establishment of tourist facilities, conservations areas, and parks. This type of land use designation can support economic development and increase investor confidence.

That concludes our overview of how the Draft Plan proposes to guide land use in the Nunavut Settlement Area. The implementation of the plan is an important aspect that is covered in the final chapter of the Draft Plan.

The Commission has recently approved internal procedures that outline how the NPC will implement, maintain, monitor, and amend plans under NUPPAA and when the land use plan is accepted.

The Draft Plan has been updated to reflect years of consultation, but the document is still not complete. The final public hearing on the Draft Plan is required before it can be submitted to the Government of Canada and the Government of Nunavut for approval. The public hearing will be an opportunity for everyone to provide oral feedback and written submissions on the Draft Plan in a public setting in accordance with the requirements of the Land Claims Agreement. The Commission intends to fly five participants from each community to Iqaluit for a one comprehensive public hearing.

Before the Public Hearing, this Technical Session, and a Prehearing Session next month, and possibly additional meetings, will set the stage for the Public Hearing. Because of the consultation that has occurred to date, any additional changes to the Draft Plan must occur in a context where representatives from all agencies and communities can discuss them in an open forum, the Public Hearing.

This Technical session is about framing land use questions in an efficient way. The best way to describe how we are going to do this is during this week together as an example.

Peter: Okay so I'm going to go through an example. Consider a piece of land. This box could represent a dozen hectares or half of Bathurst Island. NPC, through a number of iterations, has collected information about this piece of land. We have developed options and recommendations regarding how to manage land use in this area based on the information gathered. The planning tools we have proposed in the Draft Nunavut Land Use Plan are specifically based on the data at our disposal. This data combines scientific and agency/government sources with IQ. So, the proposed regulations are directly tied into the information at our disposal about that piece of land.

Now your agency may disagree with the recommended land use management decisions. You will have reasons for that disagreement. Your perspectives may be based on source information that is different from ours. If we just talk about the land use management options, the likelihood of locking horns increases. We will be talking about positions, not interests. We need to talk about interests. We have to talk about the information that was considered for the piece of land. If opinions differ as to the appropriate use of a piece of land, one of three things is likely occurring:

1. Different or additional information is being considered than what we have at our disposal.
2. There are errors in one or both datasets. Ergo, we have incorrect information on the land or you have incorrect information on the land, or both.

3. The trade-offs of costs and benefits between two or more courses of action are so close as to warrant additional information. What that means is no land use decision is perfect. You may...an area of very high mineral potential and very high ecological value will require very close analysis to come up with the best possible route forward.

If a disagreement is due to data errors, we hope to resolve the issue during this technical session. We are hoping that any recommendations for revisions to the NLUP can then be brought forward collectively to the Public Hearing for open discussion.

If a disagreement is due to additional information that was not considered or not available, the participant with the additional information may be requested to file that information to be considered at the public hearing, and considered during the revision of the Plan after the public hearing.

If a disagreement is due to need for a closer look through additional trade-off analysis, then this can occur between now and the Public Hearing, including during the prehearing conference in July. No land use decision is perfect. There is always a trade-off. Each option will have different benefits, costs, and forgone opportunities. In some cases, additional analysis, with clear articulation of alternatives, may be required to support decision-making. The results of these trade-off analyses will be presented at the Public Hearing.

Fundamentally, these technical sessions are more about the data that backs up the proposed land use planning tools than the proposed planning tools themselves. We hope to come to common understanding on all data that is available, where uncertainties arise, and how those uncertainties impact policy decisions.

I'm going to talk quickly about the dealing with some pretty technical information. What we ask is that we work to speak plainly and simply, not just for the translators, but also for each other. Our task is about ensuring the best data possible and therefore the best land use plan possible for all Nunavummiut taking into account the interest of all Canadians.

As stated, we have added section numbers to the O&R that are identical to the section numbers in the NLUP. The O&R provides the backup and rationales for the designations in Schedule A of the NLUP. We will be generally using the O&R more than the NLUP during these technical sessions. Have the translators translated? You're good? Okay.

Jonathan: Finally, just quickly for your information, we wanted to update you on a project that's not part of the Land Use Plan we won't be reviewing through our discussion of the document, but we'll just give you a quick overview. The Commission is currently developing a web-based land use plan implementation tool that will help facilitate our day-to-day operations, including how we receive project proposal applications and conduct conformity determinations. This will support the timely and comprehensive review of project proposals against the requirements of the land use plan. The Land Use Plan Implementation Tool will:

- Enable proponents to submit project applications along with all the necessary information and documentation including spatial locations. Proponents will be able track the progress of their project application at any time.
- It will enable NPC to conduct a review and approval process, track progress and notify relevant parties about the current status of the project application. All information will be tracked by the system and relevant spatial and non-spatial information published to a Public Registry.
- It will also provide the public with the ability to search and view details about proposed and approved projects in Nunavut through a search engine and an interactive Geographic Information System map.
- It will also include the spatial priorities and values that were recorded during community visits, which will be used to inform proponents and regulatory authorities of areas important to communities.

The system is being designed in a similar fashion to those being developed by both the Impact Review Board and the Nunavut Water Board, which we hope will result in further consistency and coordination between the different IPGs during the review of project proposals.

Sharon:

So in concluding our presentation today, we hope you find it informative, the views of the Commission in our presentation. The Draft Nunavut Land Use Plan lays out the interests of the Nunavummiut, making it straightforward for proponents to know how to align projects to fit within the community needs and wants. The Plan is supported by what we heard from the communities. Every factor has a rationale that can be discussed, and we're open for those discussions. The Land Use Plan will encourage investment and prevent conflict between developers and Inuit.

A recent study done at Harvard qualified, or quantified the true costs of conflict with local populations, to mining companies around the world, and it is very high in that study. This Plan will greatly reduce the likelihood of conflict in Nunavut between proponents and Nunavummiut, and as development activities increase, the benefit of this Plan will become evident.

These technical sessions represent the best opportunity for us to work between professional, as organizations, as partners to review the data and develop recommendations for revisions at our Public Hearing. This technical session will focus on the data that is going into the recommended Land Use Plan. The edits that will occur to the Nunavut Land Use Plan after the Public Hearing will be based strongly on data-founded arguments and discussed in an open context. This meeting is our primary opportunity to ensure data consistency across agencies. Our cooperative work here, again, will greatly increase the speed and effectiveness of the Public Hearing and also ease the task of the ministerial team for the final adoption of the Nunavut Land Use Plan.

We are looking at the territory as a whole. Under the Nunavut Land Claims Agreement 11.8.2, the land use planning process shall apply to Inuit Owned Lands. We have to look at the ecosystems, the economies as a whole and think of them as a whole. We have to work together for the overall protection for the whole territory, today and into the future.

Again, I thank you for coming and participating, and this is the Commission's opening for our discussions. I'll turn it back over to David and David. Thank you.

David L: Thank you, Sharon. I'm going to propose a change in the agenda. Why not start now? We'll take a 15-minute break now. We have to check on the phones and do a couple of housekeeping items, so if you could back at 10:25, that would be great.

BREAK

David L: I understand that there have been some challenges with the audio equipment, so we'll have a little bit of a run through on that before we go to the opening remarks from first the approving partners, and then around the table. So if you could take your seats please, that would be great.

With respect to the audiovisual equipment, some of the receivers don't have dials, so it's a little difficult to find the channel that you're looking for. So you have to take the back off, and then there's a button to keep pushing until you hear the language you're looking for. The channels are up on the counters. I think channel 3 – English is channel 3; Inuktitut channel 1; Inuinnaqtun channel 2; and French channel 4. But I guess for those who don't have a channel dial, the best thing you can do is keep hitting that button where the battery – just above the battery compartment until you hear what you're looking for. If there are additional problems, just raise your hand. Tommy can come and help you out.

Alright, Gabe has to leave, so I'm going to turn the mike over to Gabe to make opening remarks on behalf of the Government of Nunavut. Then we'll turn to Bert for NTI, and then to Spencer for the Government of Canada. Then we'll go around the table for the other registered participants. And I'd ask you to keep the comments tight, maybe 5 minutes or so. Hit the high points. We will get into details as we go into each chapter, but for now I think it's important for everybody in the room to hear from the registered participants, the key issues that they've got and that they'll be raising later in the meeting. We have the Hamlet of Baker Lake on the phone, so I'll need to be reminded from time to time that there is a warm body at the end of that phone so I can make sure to inquire if there are any questions or concerns. If anybody else comes on the phone, if you could let us know, and we'll make sure to get back to you. Alright, Gabe, it's all yours.

Gabe: Thanks, David. My name is Gabriel Nirlungayuk. On behalf of the Government of Nunavut, I would like to thank the Nunavut Planning Commission for this opportunity to be here and participate in the technical meeting on the Draft Nunavut Land Use Plan. I'd also like to thank for those, all of you who traveled from afar to participate in this technical meeting. We look forward to hearing different perspectives on the Draft Nunavut Land Use Plan. It can further be developed in a manner consistent with objective set in the Nunavut Land Claims Agreement and to share our perspective on how this may be done. The Government of Nunavut has been an active participant throughout development of the Nunavut Land Use Plan, participating in the Commission's consultation process and various workshop; contributing to the 2012 independent 3rd party review; as well as conducting several internal department reviews of previous versions

of the Draft Plan. In supporting our participation in this Technical Meeting, the Government of Nunavut has provided to the Commission a written submission that includes recommendations to address our primary concerns with the Draft.

The report – there was extensive departmental review and includes input and recommendations from each department that are consistent with goals and priorities outlined in Sivumut Abluqta: Stepping Forward. The Government of Nunavut reviews has identified several key area deficiencies in the Draft Land Use Plan and provides recommendations to address these. In brief summary, deficiencies exist in the following broad themes:

- Encouraging and supporting diverse economic development activities
- Ensuring that sound wildlife management systems are in place by protecting key habitats, particularly in respect to caribou
- Applying regulatory process in accordance with the Nunavut Land Claims Agreement and Nunavut Project Planning and Assessment Act, and
- Ensuring clear process for the Plan development implementation amendment and review.

The Government of Nunavut requests that the following Technical Meeting and Commission – we know that it is being recorded, and I think that's one of the keys – in how they will address their recommendations made by various parties and any commitments made as a result of the discussion.

In addition to this, the Government of Nunavut also requests the Commission present an amended version of the Plan prior to the Public Hearing that responds to the recommendations to the stakeholders. This is an essential step in supporting active and meaningful engagement of Nunavummiut in this very important stage of the public planning process.

In closing, we wish to thank the Commission for providing this opportunity to comment on the Draft Nunavut Land Use Plan and to urge them to consider the recommendations that we've made and those made by the other participants. We have confidence that the Commission will make informed and reasonable decisions based on the information that is given, and look forward to a revised Land Use Plan. Qujannamiik.

David L: Thank you, Gabe. Just an editorial comment from my perspective: I found the GN's review of the Land Use Plan really thorough, really thoughtful, and very helpful, as I did with all the other documents received over the weekend. It's, I think, a really positive sign in the evolution of this land use planning process. So, I know you have to go at some point. I'd invite you back whenever you can make it. Thank you. Bert?

Bert: Thank you David. Yes, Nunavut Tunngavik, I guess we'd just like to acknowledge and thank the Planning Commission for the work done to date to get us to this Technical Meeting. There have been challenges, but NTI has been working with the Regional Inuit Associations to try and provide that feedback. As you'll see in our written submission, there is a number of areas, and we'll be here this week to work with you on them. And we're pleased to be here at this Technical Meeting. We feel it's a step forward. In Brian's comments, you know, that the Planning Commission with the ears and the pen – that's what we need. That's the communication we need to have. I realize there will be some critical comments, but it's to work

toward a positive land use plan that everyone is happy with. So, we are committed to that process and working with you on that.

The comments that NTI are presenting this week will be the result of joint work that we've done with the Regional Inuit Associations, but there are some areas where the Regional Inuit Associations will be commenting on their own. But we got direction back in 2014 from the NTI Board through a Board resolution to work collectively with the RIAs in moving forward with the Land Use Plan. They've, I guess been putting more energy and work on that since the Draft Nunavut Plan came out, but as you'll see from our comments, there is still a lot to do, and I think that's because it's a dynamic plan, as you've indicated, right? It's changing. We also have been assisting at more at arm's length level but to try and make sure the Regional Wildlife Life boards and Hunters and Trappers Associations are more engaged. As everyone knows, capacity is a huge issue, so I'm happy to see that the Regional Wildlife Boards are able to make it here. This will help them prepare work with the communities, with the Hunters and Trappers Organizations to work towards that final Public Hearing

So as mentioned, when the Draft Nunavut Land Use Plan came out, it was a lot different than previous version. I think that's reflective of what you've been saying. It is dynamic. There have been lots of changes, but to be honest, it caught a lot of people by surprise, a lot of different changes and how that will work. So, we've been hard to review that and get as many of the concerns documented and work with you on them.

But it's because it's those reasons that we feel more consultation will be needed. Whether it's the Planning Commission or NTI or other organizations, I think we can all appreciate the challenges in doing community consultations and getting that input from communities. There is more work, I think, collectively that we all need to do to and contribute to make sure that the concerns and issues from the communities are well represented in this Plan. And so for this reason, and the impact the Plan will have, that is the big part of our concern: What mechanisms or consultations or involvement can we incorporate to make sure we get that community involvement and that voice well represented in this Plan?

An example, a large one for our department - because I'm in the Wildlife and Environment Department - is with caribou. As mentioned, and I think all parties here have an interest. How will caribou be protected? And one of the clear messages we've heard - I believe it was Luigi from the Kitikmeot Inuit Association summed it up well where we all agree that caribou need some form of protection. It's how do we achieve that? Whether it's through mobile protection measures or other mechanisms, how do we work together to make sure that staple - that caribou are there for people in future generations? I'm not sure, you know, this week will be able, at least discuss it and go through the issues, but it may require more work. So I'm hoping or we are hoping the Planning Commission would be receptive to more discussion on that particular issues to make sure that, again, communities, regions, industry, everybody has an opportunity to work together and find the appropriate tools to make sure that there is that balance. And I think that's the challenge we are all facing is that balance.

We need development, we need jobs, we need that part, but wildlife is such an integral part of our territory that we have to make sure that consultation or that communication is happening with our communities. So that's just a brief summary. We will get into more details as the week goes on, but just a few points we wanted to highlight. Thank you.

David L: Thank you Bert. I think the idea of a workshop focused on caribou is something well worth considering, and we will get to that later in the meeting.

David B: I just wanted to mention that NTI has produced paper copies as well of their comments, which are on the back table if other parties want to pick up a copy.

David L: Thanks David. Spencer for the Government of Canada.

Spencer: Thank you. First I'd like to start off and say that the Government of Canada recognizes the magnitude of the endeavor, task, challenge - whatever you want to call it - to develop the Nunavut-wide Land Use Plan. The Planning Commission is doing important work. They're balancing the competing interests, if not passion, that's going to guide Nunavut in its economy and conservation into the future. Further, we acknowledge that the effort and the dedication by the Commission to get where we are today. This version shows significant improvements over previous versions, and it's anticipated that this Technical Workshop will allow us to take that Plan one step closer to being finalized.

So, a little history on how the Government of Canada has come together to provide its submission. It's a result of collaboration and hard work through the Federal Nunavut Land Use Planning Working Group. We have representation from Aboriginal Affairs, Environment Canada, Fisheries and Oceans, Transport Canada, National Defense, Parks Canada and Natural Resources Canada, and the Department of Justice. Our efforts have been to consolidate our world view and provide a single voice in an effort to avoid confusion and hopefully assist NPC in the monumental task that they have at hand.

Our submission outlines our primary concerns, which I'll defer to more detailed conversations throughout the week, but I just wanted to highlight that we've taken a slightly different tact in this submission. Rather than just providing a matrix of things that we'd like to see changed, we've added a Concerns and Issues piece so you can sort off....We're trying to share our headspace so you can understand where we're coming from. And this is followed by a recommendation how we think we could be satisfied with our concern. We recognize, you know, that this can lead to further discussion, and you know, we're available here this week - many of the federal partners are with us and some are on the telephone - and even beyond this working. Because, you know, we just want to make sure that we're playing our part to provide the best land use plan possible. Thank you.

David L: Thank you, Spencer. And just the phone reminder, I know Baker Lake is on the call. Could anybody else on the phone identify themselves now please?

Baker Lake: (Largely inaudible – Translator also mentioned he “didn’t get that”). Can you hear me?

David L: Yep. Thank you. Anybody else? Alright, why don't I ask Baker Lake to just give us a few minutes of your time and outline your key issues and concerns with regard to the Land Use Plan if you are able to at this point?

Baker Lake: *(Garbled & largely inaudible followed by several seconds of dead air on audio)*

David L: Thank you. So I'll just go around the table now clockwise. Kivalliq Wildlife Management Board? Or have I got the Wildlife Management Board wrong? Do we have a spokesperson? Just a reminder too, if you could identify yourself before you speak, that would be great.

Leah: Hi, my name is Leah Muckpah. I'm the Regional Coordinator for the Kivalliq Wildlife Board, not the Kivalliq Wildlife Management Board. There were two main concerns from the Kivalliq Wildlife Board that we submitted in our participant standing request. The first one was the caribou calving and post-calving ground protection for the Beverly and Qamanirjuaq caribou in the Kivalliq region. The other area we wanted raised was the marine shipping route. Those are the two main concerns we wanted addressed in this meeting. Should I...I'll just keep it short and stop there.

David L: Alright, thank you. Short and sweet is good. Next around the table, just the spokesperson for the next organization.

Karla: Hi, I'm Karla Letto with the Nunavut Wildlife Management Board, and I just wanted to also introduce Jason Akearok, our Executive Director, has joined us since this morning. So he's here as well. The NWMB provided a short written submission to the Technical Meeting, which highlighted two main concerns that we had, mainly with Chapter 2. During our review, we wanted to ensure the Land Use Plan respected the roles and responsibilities of the NWMB. One of them that came up would be the migratory bird setbacks, the marine migratory bird setbacks, non-quota limitation that is in the Land Use Plan that has not been approved by the NWMB. So we touched on that a little bit. And then as well, another concern we have, like some of the other parties around here is with the protection of caribou habitat, and in particular the caribou calving, posts-calving grounds, and key access corridors. So I'll just leave it at that for now.

David L: Great, thank you. Next? I know that some people may pass and pick it up at the end, so if you're not ready, just let me know and we'll come back to you.

Barney: I'm Barney Aggark, Mayor of Chesterfield Inlet, and I'd like to thank the Commission for this opportunity to be able to sit with you guys in the Draft Nunavut Land Use Plan. I'd also like to thank them for the community consultations they did recently. I'm sure that helped them a lot in the direction that they went ahead. I never had the time to put in a letter for the community of Chester, but one of the reasons I came here was to see what steps that I have to take to make the municipal boundary of the Hamlet of Chesterfield Inlet bigger. So, I'll be looking for directions to start taking those steps while I'm here. Thank you again.

David L: Thank you, Barney. So who's next?

Brandon: Hi, my name is Brandon from WWF Canada. We are really grateful for the opportunity to be here and thank the NPC for granting us participant status to observe and participate in this meeting. We just want to quickly say we really applaud the NPC for the hard work and the process, and greatly appreciate some of the changes we saw in the last Draft Plan that incorporated some of our suggestions from previous submissions. I'll be really quick as well. A lot of the concerns that we will address have already come up, such as the conservation of caribou calving grounds and post-calving grounds, marine shipping particularly through the Lancaster Sound area, setbacks for bird habitats and polar bear denning habitats as well. Then one other issue we'd like to learn and address and bring up here is more information on the

process for amendments and updates to the Plan that will happen after the Plan is implemented, and how the Plan will adapt to a changing Arctic, particularly from a wildlife perspective. As calving grounds and denning sites shift, how will the Plan adapt to that? So just a clearer indication of that. Thank you very much.

David L: Great. Thanks, Brandon. Next?

Henry: Yes, thank you. My name is Henry Alayco. I'm down from the Nunavik Planning Commission, and I want to thank the Planning Commission also of Nunavut for letting us participate – Sharon and the rest of the technical staff also. The Regional Planner and I, Mishal, we want to participate in some of the areas that we are concerned about - more of animals of course, because most of the people in Nunavik are still real hunters of their area. And if there can be some protected areas being talked about here, I would be concerned about those also. And a few others items. Thank you for letting us be here. We congratulate you now. I know it's a lot of work to produce a land use plan, and I will participate in some areas. I know we can work this out, because we have at the beginning of our land use plan, the Nunavut Planning Commission taught us a lot on how to go about this and from that we'll participate in some of the items you're going to talk about. Thank you.

David L: Thank you, Henry. Next.

Chantal: Hi, Chantal Tetreault from the Eeyou Marine Region Planning Commission. I'm a Cree from Northern Quebec. The Planning Commission was created under offshore agreement that was modeled after the Nunavut Agreement, so we're in the process of doing a land use plan for the James Bay, Hudson Bay, as our northern neighbors of Nunavik, so they're a few years ahead of the Cree right now. So I'm really here just to observe and to really learn from your process and hopefully to get on the same path as you are. Our area is a lot smaller than Nunavut, but still the same process needs to be done for the Eeyou Marine Region. Thank you.

David L: Thank you, Chantal. Liz?

Liz: Thank you. The Chambers of Mines is the industry association for mining and exploration in Nunavut, and our role is to educate and advocate on behalf of the industry, and we thank you very much for allowing us to participate in this process. We would like to reinforce the importance of the land use planning process to economic development in Nunavut and the critically benefits that our industry can continue to bring to Nunavut and Nunavummiut.

There's not a lot of economic opportunities right now in Nunavut. The territory is experiencing 14% unemployment, which is about double the rest of the country. Nunavut is experiencing a population growth, and yet there's not a lot of opportunities available in the communities right now. So our industry holds great hope to be able to continue to assuage that problem.

As this first generation plan, it will be strengthened by recognizing that Nunavut's economic advantage lies in non-renewable resource development. The regulatory environment is robust, particularly so now that NUPPAA is the final stages of being invoked. Creating a first stage plan under such condition requires minimal permanent exclusion of land from development, and in fact, should ensure the protection of non-renewable resource potential and access to it. Nunavut's future economic success will very much depend on the outcome of the Land Use

Plan. So we thank you again for allowing us to participate. That concludes my opening comments.

David L: Great. Thank you. Who's next?

Oliver: Thank you. It's Oliver Curran with Baffinland. I'd just like to thank the Planning Commission for giving Baffinland the opportunity to intervene in these very important meetings. I think if there's a recognition around the table on the profound step that this is for Nunavut in its land use planning to cover a geographic area as large as they're doing with one Plan, it's I think probably the largest plan in Canada - in the continent - and probably the largest land use plan that would exist in the world. I think there's recognition around the table the importance of including all of the stakeholder concerns within that Plan and ensuring that once the Plan is developed, it's administered in a way that is practical. It is a massive undertaking, and I certainly appreciate the work that the NPC has done to date and hope that everyone's concerns can be addressed going forward with this Plan.

Specific to Baffinland, our submission highlights three main points with respect to our project, in addition to the Chamber's submission. I think that our first point is to ensure that the regulatory framework within Canada and Nunavut is recognized at the land use planning stage, enabling flexibility for setback areas – for example, for migratory birds - to be addressed by the appropriate regulatory body. The next main point that Baffinland would like to see addressed is specifics on additional research that's required with respect to polynyas and the marine environment. And the last point that we highlighted was further clarification on transportation corridors as they apply to the Mary River Project and approved northern and southern shipping routes. Thank you.

David L: Thanks, Oliver. Gabe, you've already said your piece. Actually, I'm waiting for you to leave so I can start telling stories about that trip to Japan. I'm sure my stories will be a little different than your stories. Karin, Government of the NWT?

Karin: Thank you. I'm Karin Clark and I work for the Department of Environment and Natural Resources. I'm really pleased to be here and I thank the Commission for granting us participant status. Our area of interest is caribou, and we've heard that several times already around the table that there is interest in this area. Many of the Northwest Territories barren ground herds are currently in decline or stable at low numbers. We would submit that this then necessitates the requirement to work together in the conservation protection of these herds. As many of you are aware, several barren ground caribou herds in the Northwest Territories have part of their range, and particularly the calving grounds, in Nunavut and therefore require shared approaches to management. The Government of Nunavut has a Cabinet approved formal position supporting no development on mainland caribou calving grounds, and the Government of the Northwest Territories has supported this position in recent environmental assessments – assessment processes in Nunavut.

The GNWT has no authority in Nunavut, and we fully respect the Nunavut agencies around the table and the processes that you represent. We do feel that supporting the Government of Nunavut's position on calving ground protection and the other organizations around the table as well that have that interest, it strengthens collaborative relationships and is consistent with

what we're hearing on our side of the border from several Aboriginal governments and land claim boards in the Northwest Territories. Again, we look forward to being here this week and working together to find some common ground on that issue.

David L: Great. Thanks, Karin. Who's next?

Tara: Tara Arko, Director of Technical Services at the Nunavut Impact Review Board. First of all, I'd like to say thank you very much to the Planning Commission for putting together a meeting like this and acknowledge the amount of work and preparation that does go into starting and succeeding in a meeting like this, so thank you. That's very much acknowledged from our staff to yours.

The NIRB has provided feedback throughout the development of these draft plans and has tried to provide an understanding of the gaps or areas where their decisions could be supported through clarity in the Land Use Plan. Our Board continues to note four specific project proposals where clarity in the Plan could provide assistance to their decisions. It is a very standardized recommendation that they've been making, so not new material necessarily. But where they see specific projects in the specific areas where concern is related through the public comment period, they have been consistently noting where further discussion related to land use planning and development area definitions, or policy of development within certain areas, would be useful to their decisions. And so, their recommendation is to not necessarily have the Planning Commission make a unilateral decision, but work with planning partners to make clear policies in some areas, and these meetings are exactly that. So our Board does appreciate the fact that the Planning Commission has taken the time to bring together all the agencies and make sure they are participating, and provide that feedback clearly to the Plan. So again, very much appreciated. The Nunavut Impact Review Board would fully support this process again to ensure clarity and is willing to provide whatever feedback or clarity that the Planning Commission would seek going forward. We appreciate the ability to be here today as well and throughout the rest of the week for discussions. So thank you very much. Again, we look forward to the meetings of the rest of the week.

David L: Great. Thanks, Tara. Next, please.

Luis: Thank you very much, and my name is Luis Manzo. I'm representing Kivalliq Inuit Association, one of the designated Inuit organizations under the Claim, under the NTI umbrella. Like my colleague says, we also have an independent complementary technical report to the Planning Commission. We completed a thorough review, and some of the contexts that we put into a technical submission have concerns of the efficiency of geoscience data in the Plan; fresh water resource designations in terms of the protection of the drinking water; the conflicting marine and conservation areas against development in oil and gas; missing definitions and terms; identification of community (?) priorities; balance in the land use designations; conflicting directions in the Nunavut Land Use Plans for alternative energy. These were the major themes that we put together in our technical report.

We thank the Nunavut Planning Commission to take that opportunity for us to come together and try to build up the Draft Land Use Plan together. You hear about some of the members in terms of the caribou, which for KIA have two components: one is the protection of the wildlife that we very much agree. The other one is the land component to it, which have two partners

as the Federal Government and NKIA holding titles of properties in the Land Use Plan. So, you hear our partner NTI and mentioned the mobile protection measures. We use that in Kivalliq, going by the actual (*Appendix A?*) which has the caribou protection measures. We are actually the region who are implementing very much your plan draft and approve of Nunavut Planning Commission in a good standing. It is necessity of more data. We agree on that. It's necessity of more partnership. We agree on that as well, and the consistence of the information sharing in terms of (*inaudible*).

The opening remarks of the objective of Planning Commission was very well addressed that the difference in data can have a different outcome. We have 10 years working with geoscience data. We need the (*feasibility?*) for the selection of the corridor, communication corridor in Nunavut between Manitoba, Nunavut and the Federal Government. Unfortunately, those don't even make it into the Plan as a designated, even though we follow the Land Use Plan criteria and how we're supposed to (?) this work. It doesn't even make it into the Plan. The (*responsibility?*) to organization also is not well defined as we have it today in our land use plan as a step forward. It's very defined, our land use plan. Effectual enough to combine the table to share the concerns and have an outcome. So comprehensively, our actual land use plan is very good in comparison to what we have today and it's the reason why we are here today. You have all of that in our technical report and the rest of the comments with NTI.

I'm here with Jeff Hart who is also representing Baker Lake. He's practically our right hand in Baker Lake. As you well know, we're doing a community impact in Baker Lake for the last five years. A lot of information is being collected in the last four years. Three documents is being developed to address community effects, and we see very little of that information in the plan. We come here with open mind to make sure those items are taken into consideration into the Plan and when the time comes, I want to share the information we collect over the years. Thank you.

David L: Thank you. Who is next? Wynter? No...

Luigi: Thank you, Mr. Chair. I just want to take the opportunity to – Luigi Torretti, Kitikmeot Inuit Association. Mr. Chair, there are a couple of wildlife boards that actually were not able to speak, the Kitikmeot and the Qikiqtani Wildlife Boards. So I would like them the opportunity to speak before I do if that's okay with you.

David L: Absolutely. Who would be next? Yeah, please.

Jason: Jason Mikki with Qikiqtaaluk Wildlife Board. Thanks, Luigi. I was waiting for everybody to speak and then make an announcement that we have three wildlife boards – Kitikmeot, Kivalliq and Qikiqtaaluk. First of all, again, thank you for letting us participate in these meetings and with our submission for Qikiqtaaluk Wildlife Board, we have provided more comments on the Chapter 2 than any other areas that are being reviewed this week. So once the time comes, we will be providing some more input and questions to everybody when needed. Again, it's Jason with Qikiqtaaluk Wildlife Board.

David L: Okay, and sorry for bypassing you, Jason.

Ema: Good morning. My name is Ema Qaggutaq. I represent the Kitikmeot Regional Wildlife Board, and I thank the NPC for allowing us to come to this meeting, to the Technical Meetings. I have three items that my board wants to address at this technical meeting. It's pretty much like the KWB's submission: caribou calving areas in the Kitikmeot, and the other is crossings. We all know that shipping routes will be affected and impacted once the Northwest Passage opens, so that was one of the concerns from the Board. And the third was caribou and muskox congregations in the Boothia Peninsula. That's pretty much what I got so far from them, but we plan to correspond with the NPC more. Thank you.

David L: Thanks, Ema and again, apologies for skipping over you too. Luigi.

Luigi: Luigi Torretti, Kitikmeot Inuit Association: We would like to thank NPC for all the work that they've done. It has been a long process and I've been on just a fraction of the tours, and it was exhausting just being on the five communities that I've visited. I want to thank all the participants as well, because it obviously shows an engagement and a willingness to improve the Plan. So thank you all for coming. I very much want to thank NTI and the other RIAs – Regional Inuit Associations. We've been working together for a year, and I want to acknowledge the group effort that has been done and the coordination by NTI. It was an excellent process, so thank you to the groups.

I was pleased to hear of the potential willingness for a workshop on caribou. It's obviously going to be one of the difficult topics to deal with. As Bert mentioned, he tried to paraphrase me, but I tried to paraphrase another colleague of mine, so I do not want to take credit for the statement that was made, but we all believe that caribou so need to take...we do need to take some measures to protect caribou. It is...it is...I cannot put into words how important it is for Inuit. I think a workshop on caribou and what measures can be put in place is a valid choice for that specific topic. There are a couple of other items that the Kitikmeot Inuit Association will speak to during the NTI submission or as part of the NTI submission that are a little bit more specific to KIA – KitIA, apologies - but we will deal with those during the submission. So thank you very much for facilitating this work.

David L: Thanks, Luigi. Who is going to speak for QIA?

Rosanne: Thank you. It's Rosanne D'Orazio with the Qikiqtani Inuit Association, and just to introduce Steven Lonsdale who is with us. He's the new Environmental and Regulatory Affairs Advisor with the QIA as well. So thank you very much to the Commission for having us here. We're excited, I guess, to participate in this process. And thank you to echo – sorry I talk fast, interpreters. I just don't remember to slow down. Thank you to NTI for all the work that they've put into coordinating our joint submission. We – I personally have really liked working with the RIAs and NTI on this file and hope to continue to do so.

So, QIA has submitted several comments in the joint submission with NTI, and there's a separate comment that we submitted as well. There are two main issues, I guess, that we've brought up, and that comment is how to address community input and the goals and objectives of Inuit into the designations that lie on Inuit Owned Lands, and we will comment further on that throughout this process. The other one is about caribou protection measures. Caribou protection is very important to QIA and to the Inuit in the Qikiqtani region. Through our comments, we are looking to fully protect those calving areas for caribou, and we will express that through our

comments in this process as well. So I want to thank everyone, I guess, for being here and thank the Commission, and look forward to the next couple of days.

David L: Thanks, Rosanne. Just to check on the phone again. Are there any other registered participants on the phone? No? So, I guess we'll move into the real working part of the agenda now.

So you'll notice, if you have a copy of the agenda, a little organizational brief. What we intend to do is introduce each section – NPC will introduce each section that will briefly summarize the intent of the section. And then we've also asked that they present a brief summary of what they've heard. Particularly over the last few days, a huge volume of material arrived on the weekend, and so it's left the NPC staff scrambling a bit. But, I'll ask them to summarize what they've heard more recently. Then, I'll go around the table quickly, basically a show of hands, if anybody else has got any comments that they would like to add above and beyond what they've already submitted. Then we will get into the discussion. At that point, I will try to moderate the discussion but the other David will ask some poignant questions from time to time. We'll see what we can achieve. So, I'll turn it over to the Planning Commission for Section A- the Review of Definitions and Chapter 1.

Sharon: Thank you, David. Jon? Jon will be leading this. Thank you.

Jonathan: Thank you very much, Sharon. Let me get the mike positioned. My voice is not the loudest. As has already been said, we greatly appreciate all the submissions. There is a tremendous volume of comments come in the last several days. We have been reviewing them as best we can. We acknowledge the value of all the submissions and are thrilled with the comments that we have received.

The approach we're going to take is, we're going to review each section of the Plan summarizing what it intends to achieve and how we went about making our decision. We might highlight some points that we have noticed, some common threads from different submissions or points where we have questions for participants in regards to their submission. That's not by any means comprehensive. It's something that has caught our attention, and we'd like to discuss further. So we'll go through that. We'll highlight some points, and then we can engage in a facilitated roundtable where all the participants can further expand on their submissions or respond to some of the questions that we had specifically. Again, just because there is such a volume of comments, many of them we find are incredibly helpful, and we don't need to discuss. If there's a comment, a revised definition, and we find it makes sense, we're not going to raise that up and go through line by line of everyone's submission. We just don't have that much time. So if we're silent on an issue, it doesn't mean that we haven't seen it or we have some problem with it. Again, as we go through that, if you would like to articulate a certain point again, feel free to do so if we haven't raised it as we go through.

David L: Jonathan, can I interrupt just for clarification? So if you're silent on an issue that means that you essentially concur with the issue that was raised, or at least the solution that was raised?

Jonathan: It's hard to say with 100% certainty because of the volume that have come in in the last few days. Some submissions we have had time to go through in enough detail to pick out stuff we do have to comment on, but I can't confidently say that we have no questions about the entire volume today.

David L: Okay. Alright, sorry for interrupting.

Jonathan: Alright, so we're going to start with definitions and Chapter 1 all as one discussion. This is a bit different than the other chapters of the Plan. It'll be a bit more straightforward there once we get to actual management approaches for different issues. It will be more of a section-by-section approach. But for the definitions and introduction, I'm not going to go through each section. I'm just going to note a couple of comments that we've received and sort of pose a bit of question or discussion or overview on how we got to that point. And if there's anything anyone wants to specifically talk about further, you can raise those through our facilitator. We don't have any definitions. There have been plenty of clarifications and suggested definitions and noted missing definitions. There are none that we particularly want to make note of at this point, but again, feel free to raise them if you would like to expand on what you've submitted.

David L: Spencer?

Spencer: Hello, it's Spencer. I just want to...Since several parties have made submissions, what if there are conflicting definitions that have been proposed? How would you select which one, and would you inform the, I don't know, the one that was successful? How would you inform the parties on how you chose?

David L: Jonathan, you want to take a shot at that?

Jonathan: Yeah, thanks David. Again, we are not necessarily here today to pick and choose between all of the different definitions. There's an incredible volume of material that has been submitted for the Commission to consider that will all need to be thoroughly analyzed by staff and discussed with the Commissioners themselves before we would make a decision on which definition is most appropriate. Today I don't think we're necessarily going to pick and choose if there are two or three definitions. We aren't going to wordsmith and debate over which. Perhaps if that's what people want to do and it's really important, we certainly can. But today we just look for clarity on issues where we are not fully understanding the points that are being made or if we see a slight issue or something we'd like to discuss with a point that's been made, we would bring it up.

David L: Alright, Sharon?

Sharon: Thank you, David. And just for further clarity, when we speak of the decision makers, the Commissioners are the decision-makers. The staff are here, as Brian said. We are the ears and the pen to put the collective information together to bring forward to the Commissioners. So Spencer, to answer your question, who will make the final decision? That will be presented to the Commissioners. With all the information that is presented, as in the past, the rationale for the decisions coming forward will be in a tracking document, and we in the past have made that available to partners. As such with decision-making, we will continue that transparent process.

David L: Okay, Jonathan, but before you continue, I guess I'm trying to paraphrase what you're saying in a language that I understand. Essentially what you're presenting here are the issues that the Planning Commission staff have flagged as concerns or requiring further elaboration. You're picking the hotspots that you see to date. Okay. And so again, if people are not hearing their

particular hotspot being raised, you're welcome to that and underscore the importance. But I'm...you know, broad-brush. This is the Commission staff reporting on what they've heard and highlighting for you, so far, what they think are the key issues that are emerging. Alright, go ahead Jonathan.

Jonathan: Thank you, David, and further to that, a significant portion of what we'll be doing as well is briefly articulating what the Plan does and what it intends to do. In some cases, there is some confusion, so just to provide that background to further elaborate on what was intended by the Land Use Plan before we get into the discussion of what has been submitted.

So starting off in Chapter 1, Section 1.1.2, which provides an overview of the Nunavut Settlement Area, one comment or theme we have noted...(interrupted)

David B: Jonathan, sorry. Just one second.

Naida: Hi, Naida Gonzalez. We do have a comment that we want to bring forward on the definitions. So it's in part in response to the Government of Canada's submission. So we did submit a question regarding the definition of existing rights. And the reason I bring it up is that some of the issues in this yearlong review that we've undertaken with the RIAs have gone to NTI legal for their opinion.

So in the situation with the definition of existing rights, there is...I would say the position is that it should be in keeping with NUPPAA, with the Nunavut Planning and Project Assessment Act, and I believe the Government of Canada is suggesting a more expansive approach to that definition. I was asked if that was the case, to at least note to NPC that we would be providing essentially a reaction or opinion to the Government of Canada's submission.

David L: Spencer. (Laughter)

Spencer: Thank you. In our submission where we do talk about existing rights, we're not looking to be inconsistent with NUPPAA. We want it to be consistent with NUPPAA. So what we're looking for is some more clarification on how existing rights would work under the framework provided by NUPPAA. Thank you.

David L: Naida, do you have a comment on the comment on the comment?

Naida: No.

David L: Sharon can comment.

Sharon: Thank you. So the Commission, as Jon said, is going through the information, and we recognize that a lot volume of information came in as late as last night. And so we are going through information, and we're looking hopefully to have a good dialogue and recognize as Jon said, we will be looking at the majority of the comments, etc. But we are looking to have a dialogue, and you know, we have not had a complete, thorough analysis of everyone's submissions. I think everyone recognizes that around the table, so we're looking to clearly have good dialogue. And as we said before, interests, to get some clarification for us on your positions so we have an in-

depth understanding of where everyone's coming from, if that provides a little clarity on the question. Thank you.

David L: Alright, so let's go back to definitions. We've heard that exchange, and I guess what I gather from it is that there's no desire to change a particular - reinvent a definition, use the NUPPAA definition, but perhaps expand on what it means in the text somewhere or other. Spencer?

Spencer: Sorry. The Government of Canada didn't suggest a definition for existing rights or changes to it, right? But we did request an expansion. So we see NUPPAA setting minimal requirements on existing rights, and we feel the Plan can go further to grandfather or protect existing rights.

David L: Okay. Jonathan?

Jon Just on the subject of existing rights, we plan to have an additional fulsome discussion regarding existing rights in Chapter 7, the Implementation Strategy, which addressed existing rights. So recognizing that it appears in the definition section, we do plan a larger discussion on existing rights and grandfathering closer to the end of the session where it is in the Plan.

David L: Okay, we have a question at the end.

Christine: Christine Kowbel. I was just wanted to make a suggestion. I wonder if having the conversation about definitions at this point in the discussion is maybe premature, and maybe it's a better discussion to have at the end. Because I think a lot of these terms come up when we talk about each chapter, and I wonder if that might be, in terms of ordering, whether it might be appropriate to consider the definitions at the end of the proceedings rather than the beginning? Thank you.

David L: Thanks, and I think Jonathan's hope was that we'd skip over the definition section entirely, but we didn't quite make that. So, Jonathan back to you.

Jonathan: Okay, thank you very much again, David. I guess I've got a quick question as well for perhaps the facilitator: Chapter 1 is a bit different than other chapters in that we will go through decision by decision for each issue. Chapter 1 is more of a scattershot where I'm just skipping sections where we have nothing we'd like to discuss. Would it be preferred to just run through my series of comments on what we've received and then do roundtable on Chapter 1 or go section by section?

David L: Why don't you do just a quick overview of what you've heard and the highlights from the Commission Staff perspective, and then we'll open it up.

Jonathan: Excellent. Sorry for the confusion. The first thing we wanted to touch on was Section 1.2, the Nunavut Settlement Area. It just provides a brief overview of the settlement area and provides the context for what's occurring in Nunavut. There have been comments provided that additional volumes of background information should be incorporated into the introduction to the Plan, discussions on general state of the environment, demographics, the economic situation in the territory, as well as additional information on how decisions were made and things of this nature. I would just like to point out that a conscious decision has been made to try and streamline the content of the Land Use Plan and put background material in supporting

documents such as the Options and Recommendations document. So that underlines the information that's been considered and the decision-making structure that the Plan is using. In addition to that, we did prepare a comprehensive background research in 2008, and those documents are available and have been widely distributed. Again, they were conducted in 2008, so it was a comprehensive demographic and economic sector analysis, wildlife habitat, a general state of the territory. Earlier drafts reproduced much of this information, earlier working drafts, and through discussions a lot of that has been removed. We appreciate that additional information may be beneficial, but we'd request very specific additions that would be helpful, again keeping in mind that there are additional documents out there to support the Land Use Plan itself.

Excuse me. Another key issue we wanted to talk about was in Section 1.4.2, addresses the Consultation Process that was undertaken. And again, it provides a general overview of what was done. There have been concerns raised about how community consultations or the Community Priorities and Values have informed the decision-making in the Land Use Plan. There have been a number of comments to that effect, and I'll just provide a brief overview of how we have used those community consultation results at this point. Again, it will come up throughout the discussion of the Plan, but we thought it was a key point to address briefly at the beginning.

So first of all, the Community Priorities and Values have supported the identification of the issues that are addressed in the Land Use Plan. Since 2009, we have been working to identify Priority Issues for inclusion in the Land Use Plan where we have enough information to make a decision, and that our priority to be addressed. So we've been working with planning partners and communities to do this. A straightforward way in which the Community Priorities and Values have been used is in the decision to address certain topics in the Land Use Plan. So something like walrus haul-outs: the walrus areas that were identified during community consultations have not necessarily been used to define specific areas in the Land Use Plan, but the topics that are addressed have been informed by what communities have said. Communities are concerned about migratory bird habitat and caribou and drinking water supplies. And all of these topics that the Plan addresses have been identified by the communities as important.

So as I said, we have not taken the step of using specific geographic areas to modify additional information that has been submitted, so if we are talking about migratory bird habitat, the identification of migratory bird habitat by communities has not yet been revised for those boundaries, to be clear and confirm that.

In addition, which will be the subject, of course, of further discussion these Priorities and Values are area where communities have identified where they have a significant interest, have been included as a one large direction to regulatory authorities to consider these Priorities and Value, as we've called them. So collectively, they would be available for proponents and regulators to consider during the design, review and conduct of the project. Now, they have been incorporated into the Plan as a series of tables in the back that is simply summarized by category what value appeared in which area. Through the online implementation tool that we are developing, the specifics would be available online in terms of each individual area. So if you were to identify a particular area where your project would be located, you would then get a list of specific comments that communities provided on that area, as well as a list of specific species

that have been identified through our community use and occupancy mapping. Those tables are more of an illustration to include into a hard copy document. But the larger database would be available online and would be part of a conformity determination. I think that summarizes briefly what we did with the Community Priorities and Values.

Section 1.4.3 talks about the decision-making framework that was used. Again, I'd just like to make note that our Options and Recommendation document is the main instrument that captures the decision-making....so what was considered, how decisions were made, and the different options that were available. Again, not wanting to include an excess of detail in the Plan itself, we put in the Plan what's needed to guide land use, and the decision-making rationale is included in a supporting document.

Section 1.5.3, the Application of the Plan: One issue that we noted caused considerable confusion is in regards to municipal boundaries. I'd just like to note that the Plan does apply within municipal boundaries. It's explicit in NUPPAA, but only in certain cases. So to – I guess the definition is probably in here somewhere, but bulk storage of fuel, deposit of waste, industrial uses, those types of things. That being said, the Plan is subject to...the municipal boundaries are subject to their own community plans, which have their own ways to manage land use.

As a solution for potential conflicts and disagreements between community land use plans and what the Nunavut plan might do, all areas within municipal boundaries were designated Mixed Use. And this was an attempt to simplify what is actually occurring within municipal boundaries, leave that entirely in the hands of the municipalities. If there are Priorities and Values that have been identified by communities, those would still be part of a conformity determination, and would be passed on to regulatory authorities and proponents. But it was decided in the previous draft to just designate them Mixed Use and allow all uses to conform to the Plan. Again, there's only a small subset of project proposals that we would actually see. But again, that has caused some confusion over different lists of sites that maybe have not been designated. So drinking water supplies: if the boundary completely encompasses the drinking water supply, it has been designated Mixed Use, and it is not a Special Management Area in the Plan. That has led to some confusion over why Cambridge Bay does not have its community drinking water area designated as Special Management, like Arviat would.

Another topic the application of the Plan that we wanted to acknowledge we received multiple comments regarding the Nunavut Wildlife Management Board's jurisdiction to develop non-quota limitations on harvesting. We recognize that. It came in from numerous submissions, so things like setbacks for migratory bird habitat that include restrictions on fishing gear, that should just be noted up front that they would need to be approved by the Wildlife Management Board in advance. So we thank everyone for their comments on that issue.

In terms of Section 1.5.4, we touched on this in our overview presentation but though it would be helpful to once again just go through the different ways in which the Plan manages land use before we delve into the specifics of each section. The start of Section 1.5.4 identifies prohibited uses as a particular way to manage land use. We would just like to reiterate some comments were received in our review that these prohibited uses need to be clear and easily determined by the Commission. We have received some comments that a prohibited use might be something to the effect of uses that damage this type of habitat – something general like that. It would be difficult for the Commission to make that determination if this use would

damage such a habitat or impact such a species. We do need to focus on clear land uses that are clearly defined in order for the Commission to make clear conformity determinations.

There have also been a number of comments on the use of terms and conditions. And again, we'll discuss these as we go through each section. There were a number of comments regarding the use of cumulative impact referrals as a term. So the Draft Plan identifies specific areas where the Commission may be concerned about cumulative impacts of projects and may refer below-threshold projects to the Impact Review Board for consideration. In Draft Plan, it's set up to be a term, and that's illustrated on Schedule A of the Plan, and a number of parties have identified concerns with that being a term, and perhaps that should be set up as a separate structure and not a term in the Land Use Plan itself. To be clear, there are several categories, which we will discuss, if that cumulative impact referral issue is not a term, many of the issues would effectively come off of Schedule A: for example, polar bear denning, walrus haul-outs, heritage rivers, and community drinking water supplies. Based on the structure of the Plan, that term is what gets them on Schedule A as a noted area. What would be left if we got rid of that cumulative impact referral would be direction to regulatory authorities, which would move it onto Schedule B. That should be noted.

There have also been a number of comments regarding the direction to regulatory authorities. I think there's a general appreciation that in many cases, the Commission does not have enough information to provide clear direction at this stage in regard to many issues. So there needs to be some mechanism with which to communicate that information or keep it around and raise the issue. So the approach that's in the Draft Land Use Plan is direction to regulatory authorities where it identifies the need for a regulatory authority to ensure impacts on a particular value are mitigated. We will have to talk about the specific language. There are a number of concerns - direction to regulatory authorities, that name I know the Government of Canada has proposed calling it information for decision makers and change the wording slightly. The Government of Nunavut has stressed that it's really the proponent's responsibility to develop mitigation measures for regulatory authorities to review that, so that is something that can be discussed further.

The Community Priorities and Values are another aspect of the Plan that I think we've touched on and appreciate there are a number of concerns that people can raise more specifically as we go through.

The end of Section 1.5.4 discusses the three types land use designation that are available, meaning Protected Areas, Special Management Areas, and Mixed Use. We would just like to note that each of these categories has specific types of prohibited uses, terms, conditions that get them into those categories. So I spoke earlier about if cumulative impacts was not identified as a term for polar bear denning, it would no longer be a Special Management Area. So there's a structures that we've established for each of these areas.

For example, there was another submission that suggested changing an area from a Protected Area to a Special Management Area, but keeping the prohibited uses the same. That would not fit with the logic of the designations that has been established. So if there are prohibited uses that are incompatible with an identified environmental value that makes it a Protected Area. There are Special Management Areas for additional issues, so if it's an environmental or cultural value or concern, that would make it a Protected Area. If it's a fishing area or a mining area, or

something of an existing use on the ground area – areas around military establishments – those are Special Management Areas under the Plan. So if we could just keep those in mind - that thinking that was involved in the development of the three designations.

And finally, my final comment on this - apologies for extending this out – is our public registry. This is not included in the Plan, but a number of submissions identified the need for notifying people of project proposals whether that be individual agencies or communities or what have you. There is a mechanism in our public registry for communities or proponents or interested people to sign up for notifications in a variety of different ways. So if they are interested in a particular issue, they could sign up on our website to receive notifications of receipt of project proposals related to Issue X, whatever type of use they're concerned with, or by geographic area. So if you were sitting in Kugluktuk and you were interested in a particular area with which you'd like to receive notifications, you can register that in the public registry and get notifications. Departments, likewise, can do the same thing. So if there are areas around national parks where Parks Canada would like to receive notifications, then that can be set up through the public registry. So every time we receive a project proposal within 50km of a park, then that could be sent off to Parks Canada. So anyone could customize their own set of notifications to receive through our public registry. So I just wanted to note that, because notifications were a common theme through several submissions. Thank you.

David L: Thank you very much Jonathan. That was thorough and clear. It's great. Remind me about lunch. Is that going to be here, or are people on their own? Okay, so we will continue for another 10 minutes or so and break for lunch and come back at 1:15. Any comments from the floor? Naida, and then we'll go down the table.

Naida: We have a number of comments for Chapter 1. I'm not sure if we want to go section by section, however you prefer. I don't think they're necessarily that lengthy but there are a number of them.

David L: Why not go section by section.

Naida: So, 1.2, and I appreciate Jonathan, your comments on trying to streamline the information that exists in the Draft, but it has been streamlined to about a half a page. I think there was not a full realization of the documents that you were relying on. You referred to the 2008 documents, and that those documents discussed the demographics, economic, environmental issues in Nunavut. So, I think it would be helpful if there was at least somewhere where people could realize where those summaries exist to know what the foundation of the baseline information that the Commission is using.

And that being said, we carefully looked at the independent report that was done, and the connection that we made there was that you can't cover all the information, but you need to have enough baseline information to address the key areas in the Land Use Plan where you have planning decisions. I think that's where we're coming from. So in areas where there are designations, where there is direction, that those are the area - that's the need-to-know information that you at least would have to have a summary of, and that's what we're suggesting.

Luis Manzo, who we've been working collectively on this submission, was going to provide a few examples of what information would be useful to include in a Draft Land Use Plan. So, Luis, are you ready to show your slides on that? For 1.2 as to the information that would be good to have in the Land Use Plan.

David L: If you're going to show some slides, can I suggest we do that after lunch and get things set up in the meantime? So if you could just continue.

Naida: Okay. There are two other small areas that we wanted to mention, and it was in the concept of incremental planning. And I think this will touch on what Luis will show. But we're concerned that the Land Use Plan's approach to acquiring information is that it is what planning partners and participants provide to Commission. We would really like to see a more proactive stance in the Land Use Plan that the Planning Commission collects information that's publically available that's useful in the areas where the designations and direction exists. So, we are looking for sort of a change from what we perceive as a passive approach to the collection of that information to a more proactive approach to acquiring information that's publically available. And also on incremental planning, we realize that there is a commitment to regional land use planning and there is a small statement in the Draft, but I think all the organizations were eager to know how the regional planning was going to work with the Nunavut-wide plan and how the designations are going to impact the ability to do regional planning. I'll let you respond if you like to those two points.

David L: Jonathan, do you want to take a shot? I mean, I guess I would just say if you want to take it under advisement, there's nothing stopping people from having sidebar conversations and then coming back to the table if it would save everybody else some time.

Jonathan: Yeah, I would just note regarding the final point of the process for incremental planning and additional review and development, I would not like to get into that during the discussion of this document. I consider that more of a discussion for the prehearing conference and process-related issues. I appreciate the comment that you would like to see it reflected in the document, but regarding the specifics of how that would unfold, I'm not sure that this is the appropriate time to consider that.

David L: Any response to any of the other points raised? Okay, Naida.

Naida: The next section we have is on community consultation. We also have slides on that, so I think we'll just hold off on that.

David L: And is that it for your comments on this chapter?

Naida: We do have comments on the issue that was brought forward about notification, and we don't have slides for that one so we could proceed with that one if you like.

David L: Why don't you take 5 minutes and then we'll break for lunch.

Naida: So, in addition to the comments that we provided, we wanted to make very clear that the Plan does address that the communities have expressed that they would like to know what activities are happening in their areas as soon as that's possible. KIA did submit for consideration a

Consultation Guide. It was not reflected in this draft, probably for various reasons. I think one of them, and we wanted to make clear, is that there is no intention that any community consultation or notification would interfere in NPC's conformity decision-making process or further their discretion in that area, but we are concerned that the public registry process is not going to be sufficient in that the issue that we would like to have addressed is for communities to be notified before conformity decision is on the table so that proponents would be having those discussions with communities ahead of submitting their project proposal to NPC. And I'll let Rosanne also...do you have anything to add to that?

Rosanne: Thank you. The Guide was submitted to the Planning Commission a while ago at a previous meeting I believe we had in Cambridge Bay. But just to kind of emphasize, I guess, what Naida was saying is that the idea is to have a certain level of notification or consultation with communities from the proponent, not necessarily by the Planning Commission, but on behalf of the proponent, so that there's an awareness of the projects that are happening on Crown Land as well as Inuit Owned Land. Because there's a process in place currently that we consult with our CLARCs on Crown Land, but there are lots of projects that are happening on Crown Land that don't have the same level of awareness in the communities. And we wanted to address that through this requirement for a notification or consultation in the conformity determination process.

David L: Alright, anything else at before we break basically? Ok, Jennifer, you had a point? If you could make it quickly, and then we'll break for lunch.

Jennifer: Thank you, David. The GN had a comment related to the Options and Recommendations document and how this is a separate document from the Land Use Plan itself. As we've stated in our comment, the Land Use Plan is the only legally binding document as per the Land Claims Agreement. However, as the Commission has stated, there is lots of information in the Options and Recommendations document that needs to be considered. Our recommendation is that the Options and Recommendation document be substantively incorporated into the Land Use Plan itself so that users of the Plan may be able to have a full understanding of the information that was considered by the Planning Commission when making their decisions. Has the Planning Commission had a chance to review that comment, or do they have any feedback for us on that?

David L: Sharon? Anything?

Sharon: Thank you. We have no comment at this time. Thank you.

David L: Alright, let's break for lunch. I'll ask people to be back no later than 1:15. We'll try to start right at 1:15. Thanks very much.

LUNCH BREAK

David L: I've heard some concerns about the relatively quiet mood in the hall, so I'm going to call on people to tell jokes from time to time if need be, put people on the spot. I could tell some stories about Gabe in Japan that probably people don't know about, but maybe I could make something up. Although, I've got to say, it was a good trip. It was in the days when Gabe was a

drum dancer. He was, and probably still is, very good. Alright, so we'll go back to NTI. I guess Luis is going to throw up some slides, or who is going to take it?

Naida: So just to give an introduction: This is in reference to the comment Number 10 that NTI and the RIAs put together. Throughout, there have been comments about more information that is required in Section 1.2 of the Land Use Plan. This one is reference to the natural resource base. Luis is going to provide some samples of the type of information that NTI and the RIAs would like to see included in the Land Use Plan.

Jeff: Hi. Jeff Hart with the Kivalliq Inuit Association. I've just taken an article out of our Keewatin Regional Land Use Plan from Chapter 5 under Mineral Development. DIAND or AANDC currently has the major responsibility for managing mineral exploration and development on Crown Lands subject to the environmental protection responsibilities outlined above. NTI manages the mineral exploration and development on subsurface IOL. NTI is responsible for issuing exploration licenses, concession agreements, and leases on subsurface IOL. KIA is responsible for issuing Inuit land use permits, leases, and other surface instruments as they pertain to this surface estate of IOL. AANDC is responsible for issuing prospecting permits for registering mineral claims and mineral leases on Crown Lands and for granting exploration rights for oil and gas.

Luis: This is the guy that the Lands Department of KIA has been following since 2000 when this plan was approved. It has been very successful, and we will show you the type of information that we didn't see in the Land Use Plan in order to make an analysis of how you will define those areas. And you need to compile a very good information in order to make those discretionary calls in terms of how the areas are being designated.

First of all, I will show you the geophysical structures over the last 10 years have been now finally finalized but (?) with the industry of course. You have in there also the transportation corridor from Manitoba to Baker Lake. Along those trenches are mineral potential you will have in those. I don't know if you can see them. In the top left corner, you have a trench who crossed the Keewatin and Kitikmeot in which those mines, minerals have been developed. Along the same trench, you see the identification of the Kiggavik project. In upper of that trench you have now the new project along the geological information you're holding. It's very impressive how they line up between each other. And if on top of that we put the occurrences, compile it in terms of different metals, you find that all the occurrences also fall in the same trench. So, this is no accident. This is science. In order to make areas or designate areas, we need some sort of balance in the information, which is public information in terms of the sampling, occurrence, and all those geological documents committed to geoscience and go through very good analysis in terms of how you're going to balance the potential against the protection. And this is some the statements that also are in my report. I don't have to go back again in this.

And now I'm going to put what is proposed in the Land Use Plan. The centerline there is the core calving grounds with the protection area. And then you have the proposed calving and post-calving grounds on top of the existing (*faults/folds?*) that we have not yet explored fully because it's very minimum but the potential is there. We know we found deposits. The industry continued finding resources. And the Plan it's not really...it's too protective to the economic development. That's what we're trying to...then I will then merge the existing conservation

areas in the Kivalliq region. Well guess what? We don't have more land in KIA in Kivalliq region to explore, because no one will explore either close to a conservation area. No one will invest there. And this is pure public knowledge, layers and analysis done over the last 10 years. We've been very proactive in protecting caribou and making sure the protection measures are there. We develop mobile protection measures to incorporate in our leases, in our permits. We did the IIBAs to make sure those areas who are subject IIBA according to the Land Use Plan are being completed and followed to those agreements with the Federal Government, with the CWS, with the territorial government. And now we have extra areas of conservation, which does imbalance the richness of the mineral for future generations in the Land Use Plan that need to be addressed. This is a fact. I didn't make this up. Geoscience office have all that information, and Parks Canada has it, GN has it – we have partnership with all of them in order to...since the Land Use Plan was signed was collecting a lot of information in order to make good decisions in the Kivalliq region.

If you notice the calving ground, for instance, we are the only region who have a very healthy herd in those calving grounds over the last 10 years. And if you notice how many permit we access to those calving grounds, there was one permit over the last 10 years. The rest of the permits, they don't have access to calving grounds because there's no insurance for that investment. So by virtue of being in a wildlife area, proponents are not staking those grounds. They may staked them in the past, but they don't do it in anymore. But there has to be guidelines of how we're going to administer or designate those areas, especially the transportation corridors. We have (*donors?*), and those maps right now, they allow high mineral potential, but they don't have access. So what do I have – only when I exploring no mine. There's no access corridor identified. This is a very detrimental to all the economic developments for future generations. I mean, we're dealing here with 40, 50 years down the road when we signing this Plan. And our kids today, our kids today, I don't think they're going to be good hunters. They will be transfer of some of that knowledge, but in 40 years, those kids will be administers. They will be doing our job, and that exchange and adaption will also need to be taken into consideration in the Land Use Plan. I think that covered my technical report and NTI's comments. Thank you, Mr. Chairman.

David L: Thanks, Luis. Any response from the Planning Commission staff?

Sharon: We just thank you for your comments and the information, and no comment at this time. Thank you.

David L: David, you have a question or comment?

David B: I was just going to ask the layers of information, both with respect to mineral potential and the wildlife, the caribou areas. Has that information all being shared with the Nunavut Planning Commission?

Luis: Well, it's public information, all of that information. The Geoscience database – Iqaluit has a geoscience office and NRCAN also have a geomagnetics office and pure mineral development office. You can get those information very quickly, especially NPC who have better agreements than KIA. We were building over time over 10 years those layers as we need it. We also have the till sampling over the whole entire Kivalliq, because we need to make good decisions. We have the whole (?) and 250,000 and 150,000. And that's because we're also dealing with water,

with water compensation for those projects we associated with license. We need to make sure they pay compensation for wildlife. We need to make sure they pay compensation for water, which is a difficult one. But we have those agreements and signed those agreements with proponents to protect the rights of Inuit when we extend those license, and all that information will need to be collected in order to actually sign the agreement of compensation, how much it will be, what kind of...how many wildlife will be actually impacted either by development or by killing. So you need to have, I have the whole harvesting and the whole Traditional Knowledge for (?) and all the atlas incorporated in (?), which is public valuable information. I don't say I collected it overnight, but the sets of GIS that can be provided to NPC for this analysis. Thank you, Mr. Chairman.

David L: Jon you had a response, and then Bert?

Jonathan: Thanks Luis for the comments. I'd like to note that raw data in that form of geological information, etc., the Commission would greatly appreciate some analysis and specific recommendations on the value of particular areas. We are generalists at the Planning Commission, and we expert collect advice from all the participants around the table. So we're not taking necessarily taking in raw caribou collaring data. And considering that, we are relying on the advice of technical experts who have analyzed the information and are providing specific recommendations to us. So, in the case of mineral potential, the Draft Land Use Plan relies on information that has been analyzed by Aboriginal Affairs, and we can discuss that later when we get to it. But I'd just like to point out if your agency is in a position to provide specific advice through analysis of raw data that would be more helpful in informing the Commission's decisions on how they recommend land use management options.

David L: Thanks Jonathan. Bert?

Bert: Thank you, David. Yeah, just to add onto Jonathan's comments and David's question as well. I think that's what we're doing now is we're providing information to the Planning Commission. I'm not sure if it had been provided before, but Jonathan's comments are helpful as well because we can work with you on that to have that discussion. It does get complicated in that there will be other parties also interested in providing comment on that data or how it should be interpreted. That's, I think, made up a lot of the work the past year that we've been doing with the three RIAs is having the meetings, trying to figure out, you know, what's based on the Draft Nunavut Land Use Plan what do we need to see in there and get that information. And then we ask the Planning Commission for a technical meeting like this, it's so we can have this kind of open discussion and share the information we've been gathering so that you have it, because based on the Draft Nunavut Land Use Plan, and you've stated you're relying on the information presented by the different departments and then you're putting it in, and I think it needs more refinement or more discussion and stuff like that. So, hopefully that's something that this week we can continue to do and talking with Sharon, you know, in terms of responding to some of the questions and comments we have. If we get some of that initial feedback, we can have sidebar discussions or other meetings as well to try and explain where we're coming from with these different things and see if there's something by the end of the week that we're sort of moving forward on. Thanks.

David L: Thanks, Bert. Stephane's got a question down there.

Stephane: Stephane Robert representing Chamber of Mines: I just want to add on that is we know that Nunavut have a great geological potential and we know it's under explored. And if we knew where to drill, we will go drill. And that is the big things what Luis mentioned is that we know that we have potential, but we don't know the value of this potential. If we knew it, we will be there. Now like Agnico or Amaruq, because we found something one year ago, and we drill there. But if we knew that other place we have, we will go drill. So hat is ongoing and things will evolve with time, but we know that the Kivalliq, as an example, have a great potential in the future. But who knows what we have in these fault. Thank you.

David L: Okay, thank you. Just on that, I guess I'd note that everything evolves over time, including the Land Use Plan, and striving for perfection at this stage will prevent any land use plan from ever emerging. There's a....there's an issue of how much can be done and then how much will evolve over time. I appreciate the challenge that the Planning Commission in incorporating all of this, the information, and trying to get it as good as possible. But I guess I would suggest too, that folks were providing information to the Planning Commission can help them out greatly by not only raising issues, but identifying solutions and then exercising some patience as the Plan emerges and working with the Commission to make the Plan better over time. It ain't going to be perfect the first time. That's guaranteed. Any other comments on Chapter 1? I'll go to Government of Canada first and then Sharon.

Spencer: Thank you. It's Spencer. So the Government of Canada's comments, they are detailed in our submission obviously. But I thought we'd at least bring this forward. What the Government of Canada is really looking for is to see a land use plan that supports and predictable decision-making. And we feel that what the Plan really needs to do is outline its conformity requirements. We'd like to see conformity requirements that are explicitly identified. We'd like to see conformity decisions that are determined based on criteria that's as objective as possible. And three, that the criteria can be met with limited information that can be reasonably expected in early exploration or early project phases.

That being said, I just wanted to touch base on some of the comments Jon made earlier regarding the Community Priorities and Values. The Government of Canada is of the position that if Community Priorities and Values are of...if they justify prohibiting or imposing a certain land use or designation, then they should do so. And if they're not, they should not be used in the conformity determination by the Planning Commission, because that causes some uncertainty and it can be vague. So, if they don't justify a special designation, then they should be relegated to basically providing information for the regulators when they're doing their business, whether it be EA or issuing a permit. Thank you.

David L: Sharon?

Sharon: Thank you, David. I just wanted to respond or ask for further clarification from NTI, but I'll wait if there are any more comments on Chapter 1 from the parties. Thank you.

David L: And just in the interest of time, if the conversation is kind of bilateral, I'd ask that people take it outside and see if they can't resolve those questions. We really do want to focus on, well on the priority area that people have identified, but also to the extent possible on the areas of common concern around the room. So if some of the discussions are by their nature bilateral, then perhaps you can resolve them bilaterally as well. Any other? Yeah, please.

Naida: Before lunch, we had two other areas that we had slides on that we wanted to touch on Chapter 1.

David L: By all means, go ahead.

Naida: So, the next two are very important to the NTI and the RIAs. Community consultation is something that is throughout the submission that NTI and the RIAs have put together. We thought about what would be helpful in addition to what's in our written submission, and there are a couple of slides. We'd like the Options and Recommendations document up on this computer if that's possible. Before lunch, we discussed whether that was a possibility. Can you...yes the Options and Recommendations document if you can put it...yeah.

So we're looking at page 17. So we're looking at the Rasmussen Protected Area. So if you could just....if you could just take it up a little. We're looking at the additional considerations. Right there, that's perfect. The situation that we're grappling with is that the Nunavut agreement sets a very high standard for community consultation. Active and informed participation and support of Inuit is one of main focuses, and there is no....there is recognition of the community consultation work that has already been happening and has taken place by NPC. Our questions stem more because this Draft is not really a refinement of the previous draft, but it is a new draft in many ways. The designations, in large part, as far as we can see, have not been shown at the community level or with some of the wildlife organizations in particular.

So here's an example of the protected area for migratory bird site, it's the Rasmussen. So the local community is Gjoa Haven. The outline is in yellow, and the dark yellow includes some Inuit Owned Lands. So we go to the Options and Recommendations document to see what the considerations are, and we see that the considerations are that there's IOL. And then you see the Priorities and Values of residents, and it includes birds, which is good because this is a bird protected area. But we also see that one of the values is that it's a potential economic development area for the community, and there's existing economic development and protection.

So our question is, how do you know that the community values birds over any other use for that area? Because you prohibit every other use, and we don't see that the community input exists that would lend the support for creating this Protected Area. And it's not to say that maybe they wouldn't support it, but the question hasn't been asked at the community level. And that's a huge concern. From our perspective, the threshold that is required for active and informed consultation has not been met.

David: Can I ask for a response from the Commission on that one?

Sharon: Jonathan will be responding. Thank you.

Jonathan: For starters, the specific land use designation as it exists now for Rasmussen lowlands has not been extensively consulted with the communities. The area was identified in the previous draft, with which we used to gather feedback on the Draft Plan, so there have been consultations on this area. Communities were asked if they – I forget the exact question – but generally do they support these, are they important to them? And they responded by identifying different values

around the area. I also wanted to note that in that list, it's been summarized, but potential economic development - I don't have the exact laundry list of identified values - but in many cases, I'd also just note for reference that could include commercial fisheries as an economic development opportunity, which would be consistent and permitted in the area. I don't know how much I want to get into consultations in general. I'll defer to Sharon on that.

David L: Alright, Naida, anything more?

Naida: I think it's just an area that requires some consideration. Land use planning is not a linear process. This is a new Draft Plan and I think before it can be a final Draft Plan, the conclusion that the RIAs and NTI are coming to is that there needs to be more visible support from the communities and the regional organizations on the wildlife issues, and the balance they would like to see. I mean, you know, this one is close to Gjoa Haven. The Options and Recommendations document, it required a lot of research to figure out which community you're talking about and you know, which regional organizations have been involved or not. More detail on the community consultation process would be helpful. In this example as well, we see that there are prospecting permits. And you know, these highly sensitive areas have been put forward by Environment Canada, but my understanding of the Government of Canada submission is that the prospecting permits within that zone would be grandfathered, if I read their submission correctly. So is that...I don't think we have a final understanding of what even the Government of Canada's position is for that area.

David L: Spencer, do you want to take a shot at that?

Spencer: Without getting too technical, I guess the information provided by CWS – and I guess we can give Bruce the opportunity to explain it further – was provided based on their scientific data collection on what they know about birds and bird habitat. And that was provided by the Commission, and the Commission has made choices to display it the way they have. The Government of Canada's position on existing rights is a way to sort of grandfather - not to isolate – to let tenure that has been issued actualize through the mining life cycle. So it may look like a conflict, but there could be a tradeoff. Maybe in this instance it is too sensitive a habitat that we couldn't allow it to grandfather. I think the position on the existing rights is more of a general rule or statement. That's what we want to see. It may not be absolute, because it may not be justified in some areas. Is that clear?

Naida: I think what we're looking for is some clarity on the specific....what the map is going to look like. That's a general position and that's understood.

Spencer: Yep.

Naida: But what's the impact on all these other designations if that grandfathering of all tenured lands happens?

Spencer: Yep, so we'll certainly have to go out and compile that information and have a broader understanding of what the impacts are as designations get imposed. Right? So, we are compiling that.

David B: And we're not finished speaking about this particular issue. I think in Chapter 7 is when we'll be talking in more detail, because it's a very important one for sure.

Naida: So, we're just going to show one more example. It's very close to this one, so it's the Protected Area, the Kagloryuak River – Protected Area for migratory birds, so it's page 15 on the Options and Recommendations. So again, we're looking at the additional considerations. So it's a little bit...there we go. So, this area is close to Cambridge Bay. It's....the box line around the bird habitat side is the boundary with the NWT. And again, this is, you know, a substantial area that's close to a community. In the additional considerations – and this happens, the Options and Recommendations document is not complete – we know that the residents prioritize caribou, and I suspect that it's just missing information in the Options and Recommendations document. But we would hope that birds was on the list too. But again, there are mineral claims and mineral leases in that area. There is obviously competing uses. And we understand that Environment Canada provided their information as to the most sensitive sites, and we would expect them to. But what we're not seeing is how that's balanced by the other priorities that the communities have, and what...if the question was asked to the community whether they want that area exclusively used for bird protection to the exclusion of all other uses. I think the consultation process, because there was not the opportunity to show these designations at the community, that's a weakness that needs to be addressed. Another iteration is more than likely needed to be able to get specific direction from communities on whether these are the designations they would like.

David L: Thanks, Naida. Ema, you had a question?

Ema: Thank you, yeah. To the previous slide where Naida pointed out where Gjoa Haven has access to the lands, I wonder if I should point out that all the three communities just outside Gjoa Haven (*named*) all have access certain times of the year, not only birds but muskox and caribou as well. So I was just wondering if I should point that out. Thank you.

David L: Thank you. Any response? Yeah, please. Luigi.

Luigi: Luigi Toretti, Kitikmeot Inuit Association: Thank you for the slide regarding Rasmussen. I participated in the community engagements in I believe it was 2014, end of 2013 and 2014 for the Kitikmeot. The previous iteration, and I specifically asked the question about Inuit Owned Land in this area – the explanation that I received at that time was that Inuit Owned Land, the choices to do, to access that would be exclusively for Inuit, for the RIAs. This new iteration...there wasn't a specific question as to....I don't recall a specific to the community as to the designation, and if that was the most appropriate designation for the area. And I think that is what we're asking. But I recall the previous iteration and my questions to that effect, and it seemed to provide KIA with more leeway on decisions on IOL, but that is not the sense that I am getting from the designation in the 2014 draft. So just a clarification on that point, on Jonathan's comments to the presentations to the community. That's how I recall it. I don't recall that specific question being asked.

David L: Thanks, Luigi. Any...any other comments...yeah.

Jennifer: Jennifer Pye, Government of Nunavut: We would like to go back to Chapter 1, and Jonathan touched on a number of comments the GN had, and many of them required no further

discussion. However, we'd like to discuss one comment with respect to related research as a prohibited use in certain land use designations. First of all, we have recommended that related research be defined in the Plan. It's not clear from our perspective. Related research is a prohibited activity. However, in certain areas where it's prohibited, they would presumably require additional research to gain a better understanding of these areas and the measures that are in place to say, protect the values. How has the...or how does the NPC...I guess we're wondering how will additional information provided by stakeholders as part of related research be incorporated into further iterations of the Plan, if it is a prohibited activity in certain land use designations? I think we're seeking some clarification on that point.

David L: Thanks, Jennifer. Comments from the Commission staff? Jonathan?

Jonathan: Thanks, David. I'm a bit confused over your confusion, but related research was intended to apply to the other prohibited uses if that's clear. So if mineral exploration and development is prohibited, the intention was that related research would be associated with mineral exploration and development, or however that's phrased. That wouldn't prohibit all research. So if it's a bird area, you can certainly go count bird eggs in the area.

Jennifer: Thank you, Jonathan. That is actually very helpful. I think the term "related research" is a little vague, so we did have questions if that would relate to the specific prohibited uses that are listed or if it would include all research related to that specific area that's under the land use designation itself. But to clarify, or what I think you're saying is that it would be research related to the actual prohibited uses that are listed? Okay. So, just to reiterate our recommendation, I think it would be helpful to have a very clear definition of that in the Land Use Plan. Thanks.

Jonathan: Agreed. Thank you.

David L: Thanks, Jennifer. Other questions. Yeah, Stephane.

Stephane: Stephane Robert. We talked just before that, you know the Plan was evolving. And for that, to evolve, if we say that we prohibit any activities in this area, how can the Plan evolve if we cannot do research? Because if we want to have more information, we need to do research. If we cannot do research, we will never be able to evolve and change this Plan. So that is the point. When we say we cannot do anything research related, it will never change, because we will not have the data to change it. Thank you.

David L: Jonathan, anything? Okay, I think they've accepted the concern, and we will see what happens further. Any other...yeah.

Naida: This is our last issue is on Chapter 1, just for everybody to bear with us. But it's on the Inuit Owned Lands. We also have some slides in this area. I think one of the objections that there is to the current wording in Chapter 1 on Inuit Owned Lands is that there's agreement that Inuit Owned Lands were chosen for a variety of reasons, for renewable resources, for nonrenewable, for cultural heritage. But how those parcels were chosen, that happened through a community process and a regional process, and there are specific reasons why parcels were chosen. So, a general application by NPC that Inuit Owned Lands were chosen for a variety of reasons, so therefore they can generally be intermixed across Nunavut, doesn't reflect Article 17 of the Nunavut Agreement and how IOLs were selected.

We've mentioned now that it was on a NPC initiative that the CLARCs were created. CLARCs are organizations at the community level that the RIAs and NTI rely on when there's an issue that comes forward on a particular parcels of Inuit Owned Land. So, the submission is that the Plan reflect that IOLs were chosen for various reasons, but through a community and regional process, and that needs to be respected. And also on subsurface IOLs in particular, they were predominately chosen for mineral potential. NTI manages those subsurface parcels, and there also is a recommendation that be recognized in the Draft Plan.

Now there are...the number of incursions on Inuit Owned Lands is dramatic. There's about 21 million hectares of IOLs that are impacted, and this is...that's all in the submission in the appendices. Miguel is going to take the group through that. But, again, that's not a refinement from the 2012 Draft Land Use Plan; that's a complete about face. This 2014 Draft Plan takes, you know, a complete different trajectory on how it addresses Inuit Owned Lands. And it was a surprise to NTI and the RIAs that that's what happened. So, a letter has been sent from the President of NTI to NPC that this is a substantive issue that needs to be addressed. Not to say that...there's a recognition that the Land Use Plan applies to Inuit Owned Lands. It's the extent that it does, and without a sense that was what was coming, and more consultations definitely with NTI, Lands, and the RIAs on the IOL issue is necessary. So with that I'll turn it to Miguel.

Miguel: Naida, you've said everything I wanted to say. I don't have to say anything further. It was interesting to hear about this technical session, and I was quite excited. I thought everybody would be in a nice causal intimate setting. We'd get to stand around a big table and point at things that are on a map, but of course everybody showed up in the whole territory. So, anyway, it's not as casual and as informal as I thought it would be.

But Naida did already address most of the things I was going to talk about. But as we can see, when we talk about incursions, we talk about, when we say that, what we mean is where a NPC designation is overlapped with an IOL parcel. So in this case, what I have on the screen are all the various incursions where NPC designations have overlapped with IOL. As a matter of fact, there's 1292 of them. I'm now going to proceed to go through every single one of those 1292, so if you could just bear with me.

(Laughter).

David L: Yeah, I might have something to say about that, Miguel.

Miguel: Maybe I won't do that. Naida also pointed out that, I mean, it's not small, so we have 1292 incursions. These are the numbers of hectares associated, and this is in our submissions. This is the number of hectares that occur on subsurface land, that number that occur on surface-only lands. If you took that coverage all together, it would cover 21 million hectares. So it's not a small amount that we're talking about here.

It might seem a little bit nitpicky that, you know, we're talking about a square meter here, a square meter there to do with the IOL, but this is Inuit Owned Lands. It's private land. It's for the benefit of Inuit, and so therefore every square meter really should count, and consultation needs to happen as a result of that.

So I proceeded also to go through and do a GIS analysis of the smaller fine tooth details of the incursions, and you can also find this is in our submission. It goes through and lists three major things, one which is slivers, one which is chunks (what I call chunks, and these are my own labels), and then the other is misalignments. You know, the 1292, a lot of these small errors account for those. So I thought I would just show some examples.

First I'll just quickly show this one, which is...so this is an example though where we have subsurface land, which is right here, and it has been...designations have been put over the subsurface that very much take it away from the main purpose of that subsurface land. I'm only using this one example. I mean it happens on a number of occasions throughout the Plan where we haven't been specifically consulted on subsurface land and what's occurring on it. Hopefully we can go forward and do that in the future. So that's CO 20. That's in the Kitikmeot.

Now some examples just to show you the slivers that we have going on. So we have, let's see.... This is actually an example of a chunk, what I would call a chunk. So here we have an IOL parcel here. This is a key bird habitat. I don't how well...unfortunately it doesn't come up very well on the screen. This is a key bird habitat designation, and it just cuts very slightly into the IOL. Again, I'm saying, "Wow, this is really nitpicky." This is like, you know, a couple hundred hectares, which you know, maybe is a lot or not very much. But you know, is it really necessary for this key bird habitat? And especially considering if we look at this and how this buffer was applied, it appears as though – and I know you can't see this – it appears as though the ocean only goes up to here. Really the buffer should have only gone up to here, and it's this kind of an error, it seems to me, we have to address to make sure that the least amount of IOL is affected that we can possibly have.

Now I have talked to Mike Townsend about this well with the NPC, and I think Jon's probably aware of that, so there's a number of these issues. They are all in the submission. They're identified. I'll just give an example, though of a sliver. These are actually...they come out to be very significant if you add them all up. Clearly here – yeah you can't see it. Okay, down on this bottom portion here, we have a key bird habitat site, which is mainly on the ocean. Above here, in this area is land. Clearly, it seems to me the designation was only meant to cover the ocean. It didn't look to me like there was any kind of a coastal setback that was supposed to be applied here. So there's an overlap of the NPC designation on the land, which happens to go over IOL. In this particular case, it would seem to me that probably you would just want to cut it off at the IOL. I mean, this is going to add up. All these little slivers that go through the territory. You're looking at many, many thousands of hectares, so it's definitely something we have to look at.

And the final example that is out of that list is the misalignments. So we're looking at us using different datasets than the NPC, different datasets being available on the government sites that people are using that cause misalignments. Here we can see a Migratory Bird Sanctuary that looks as though it goes up here, but the NPC zone is here, and it's all misaligned. It's caused some confusion, and I think we have to sit down with the NPC and just nail down which are the appropriate datasets to use. I think that's about it for my talk.

David L: Alright, thanks. Peter?

Peter: Thanks, Peter here. The NTI geographic database, is that based on an on-the-ground survey data so you're 100% sure it's accurate in your GIS database?

Miguel: I rely on my GIS guys to make sure that's there. I presume it is, but you know, we can check again. I think we both have to look at our data though.

David L: If I could make a suggestion. You both have to look at your data together. And I guess I'd ask the question: What's the plan?

Miguel: Well, I can't speak for the NPC, but I mean I did begin working with Mike Townsend on some of these issues, and he's aware of them. Mike Townsend, he might want to comment on his position with NPC. I don't know.

Sharon: Mike is our Land Information Tech and works with the Commission. He is employed by the Commission.

David L: Alright so....Just a sec... Yeah, I think the Commission knows who Mike is.

I'd really like to get a better sense of how you're going to move forward. I know you're talking with Mike, but is there a plan to meet with Mike? Is there a plan for your GIS folks to meet with Mike and sort this stuff out, or is it just kind of a wish at this point?

Miguel: Well I...I kind of hoped actually that we could tackle some of that during the Technical Meeting right now.

David L: I don't think this is the right place for that.

Miguel: No, no. I agree.

David L: Yeah, so what I'd ask I guess is that you get together with the folks in the Planning Commission and set a date. Start this work, because the clock is ticking. Alright, other...yeah.

Spencer: *(Mike cut off briefly)*...NTI and NPC, because I know the Government of Canada has submitted GIS data, so I'm sure that we'd have to be in there to make sure we're setting it at the same standards. I know the GN is as well.

Tommy: Speak to the mike please. Thank you.

Spencer: Sorry. So I think other parties need to be involved in aligning the GIS and getting rid of some of the slivers, etc. etc. I know the feds have provided some information to the Planning Commission. If they used it as is, the probability is that it being the same as the other partners. So I think, maybe a GIS meeting.

David L: Well, and that sounds like it would be a good thing, so again, I'd.... Just for the benefit of the other folks in room who would have an interest in the resolution of this challenge, I would ask that the Commission, the Government of Canada, NTI and the Government of Nunavut get together during the course of this meeting and let the rest of us know what the plan is to resolve this. Peter?

Peter: Peter with NPC. Nunavut as a jurisdiction has more coastline than any other jurisdiction on planet Earth. A good chunk of the misalignment between the three GIS databases is where is the actual shoreline? I do not see how that can be realistically fixed, so we may have to proceed without fixing the sliver solution.

David L: Well, there's a way to fix the sliver solution. It just may not be the most elegant. Sharon?

Sharon: Thank you. So, just for clarity, if the caveat is that we follow the shoreline and that's the agreement with all the parties, that's what we will do. And to be clear, yes we want to work collectively to ensure that the data is being used is a collective data that everyone has an understanding of, of what the reference points are. So the Commission is committed to moving forward collectively on this. If it's a GIS meeting, specific, then we are good to participate in with that. Thank you.

David L: Okay, so I'll ask again that the four parties and anybody else, I guess, who has got a direct interest in this, can get together during this meeting and set a date for a follow-up session. I mean what I'm hearing is that potentially, there are three different versions of where the shoreline is. You're going to have to pick one and go with that, and then maybe some other simple solutions too. Luis.

Luis: Yeah, I just want to respond to the question about presenting the areas of interest. You've probably seen the map, a lot of geophysical information. What is required, which is in the Keewatin Land Use Plan today is for the Commission and the Federal Government to do a mineral rights assessment, which is called in the Land Use Plan – A mineral and resources assessment of all the areas in which you're going to prohibit any activity just to make sure that the beneficiaries of the claim – in this case, the Inuit – are not making a decision without knowing what's in there. And it's very important, because in order to negotiate those IIBA areas, also Inuit have a right to table the value of those lands if in case those lands became Protected Areas or parks. So it's very important for the federal government and the Commission to really table mineral assessment, like it's assessed in the Keewatin Land Use Plan. It's very important. Having those areas not yet done, and we're talking about conservation areas, prohibited areas, without knowing exactly what will be the future of those areas. We just look in those areas and preventing in future benefit for Inuit. I just...it's in the Keewatin Land Use Plan, is done by the Nunavut Planning Commission – very thorough. That's why I say it's a very good plan. It hasn't failed for me in the last 18 years. It's comprehensive and if we want to do any plan, make sure import all the good things that this Keewatin Land Use Plan has into the new Plan and make sure you do the proper assessment, especially oil and gas and mineral assessment. Because it's a lot of work in Nunavut to look out in an area. Thank you.

David L: Thanks, Luis. Rosanne?

Rosanne: Thank you. Rosanne D'Ozario with Qikiqtani Inuit Association. I just wanted to follow-up on Naida's first point and Miguel who discussed about the incursions of the core designations over Inuit Owned Land, and Miguel addressed it from a subsurface perspective. I wanted to just – it's a comment that we had mentioned in a submission, so I wanted to highlight that it also occurs on surface Inuit Owned Land and that the core designations map that's in the current 2014 Draft Nunavut Land Use Plan, that version of the map was not brought into communities during consultations. So there's information in these maps where the consultations did not include a

discussion about those overlapping areas between our designation and surface Inuit Owned Land. So, we've...we're of the opinion that further consultations are needed to determine if the designations – the new designations that are in this core map – apply or align with the goals and objectives of the Inuit Owned Land parcels. So, QIA has offered to attend these further consultations with the Planning Commission if they're needed to kind of obtain more input and feedback from the communities. But we do feel that it is important that the designations that are in this new core kind of designations map, are brought back to the communities, so there's an understanding of what designation lies under Inuit Owned Land parcels. Thank you.

David L: Thanks, Rosanne. I think that message is loud and clear. Miguel.

Miguel: I don't know if you're going to give me trouble about this, David. I just wanted to very briefly respond to Peter in saying that what we're mainly concerned about is the IOL, so as far as looking at the coastlines for the entirety of Nunavut, that's not necessary. And to just rectify the problems specifically with the IOL using a GIS, you just use a clip and it's gone. Once you acknowledge that it's, for instance, only supposed to be hitting the land mass, then it would be actually a fairly simple thing. So I don't want to take up too much time.

David L: That's helpful. Thank you. Jonathan.

Jonathan: Thanks, Miguel. This is Jonathan. I'd just like to get some clarity of the use of the word "incursions" and the general applicability with which NTI is using it. So you're referring to all incursions of designations that are not Mixed Use in a broad sense across all designations. And I guess you can start to begin to infer that there's a general dissatisfaction with any incursion on any IOL from any Special Management or Protected Area. Is that the case or can NTI be more specific in incursions that are a problem.

Miguel: Yeah, "incursions" is a word I did choose. It does sound a little bit combative, I must admit. It's like we're going to war. It's an incursion, but it was something that seemed to fit where the designations overlap. So I don't mean it to be a derogatory label in any way particular. I'm not saying that we agree with all incursions, or I wouldn't say that we disagree with all of these incursions, but I think that we're hoping that there can be more consultation with regard to the designations on the IOL. That's what we're looking for.

David L: Jonathan.

Jon: So at this time, NTI is not prepared to provide recommendations on the appropriateness of the Special Management and Protected Areas on IOLs until additional consultations take place.

Naida: What's being said is that every specific designation that impacts IOLs should be examined on its own merit, that NTI and the RIAs will likely have – will have a position on each one of those. But the IOL selection process involves the communities, and they also have a say. So it has to be done collectively, and there needs to be a process to get that done.

David L: Alright, I'm hearing two stages in that. One is rectifying the databases that you know, sorting out which system you're going to use and which geo-reference is going to be the standard. Then once you've addressed the incidental incursions – the artifact incursions - there will probably be some overlap of interests, and that needs to be sorted out further. There are some

artifacts just because of the geo-referencing, and then there are some real issues. So again, I'd like to close on this part of the discussion. I think the messages are pretty clear. I would really like the four most directly affected parties to get together over the next day or two and let the rest of us know what your plan is for moving forward to solving this problem. That okay with everyone? Looks like I've got nods around the table. Alright, anything other than what we've been discussing to date on Chapter 1? Anybody else got any issues, concerns? Just to let you know, what we're going to do is, David will wrap up the discussion when we're close enough to the clock. If there are more issues to be raised, then let's do that. Liz, you had a...

Christine: Yeah, Christine Kowbel. So, just a postscript to the discussion that was just had. I just want to ask that any of the results of those discussions be made public because they do have potential to impact various members of the Chamber with projects on Inuit on Lands.

David L: It shall be so, I would hope. Alright, are we done with Chapter 1 for now? Notwithstanding that there are a bunch of other comments that were raised, but are we done with the discussion around the table here for the time being at least? Alright, I'll turn it to David to try to wrap this up and then we'll take a short break and get into Chapter 2.

David B: Thank you, David. As I think Jonathan mentioned when he started the summary of Chapter 1, this is – I think as we saw from the discussions, it's not quite a straightforward chapter as perhaps some of the other ones will be. So, in terms of the discussion maybe starting with the fact that it appeared there was a fair bit of agreement on some of the comments that Jonathan and his summary responding to comments made by the various parties with respect to things like the definitions. Some of the definitions, I think it sounds like there will be some homework done and some brushing up on some of those. The discussion about, comments raised about why certain municipal...some of the communities had various designations, the explanation of the Mixed Use designation within boundaries because of the general planning powers of the local communities. Water sources are sometimes are inside, sometimes outside the community boundaries, and therefore they don't all look harmonious in terms they are being designated in the Plan.

In reference to the comments about restrictions on wildlife harvesting, there was some agreement that some wording changes are required there. The clarity of language around prohibited uses as well – the actual terminology – there's probably some homework needed on tightening up consistent definitions....references, sorry, to uses. And I think there was good discussion and indication of what's coming up on the public registry that the Planning Commission is preparing to implement, and that will help with some of the concerns with respect to knowing what's going on.

I think the one comment from the Government of Canada about predictable conformity requirement and decision-making, the point about the Community Priorities and Values featuring as a conformity requirement itself is something that I think is important to...I heard being important to clarify as to...and that would go some direction into helping out with the concerns from the Government of Canada about having predictability in the process. I think the larger...maybe the larger issues about consultation certainly needs to be more discussion and consideration on many of the points that NTI and the RIAs have brought up. I think that the, perhaps one of the earlier points from NTI was the issue about how much information is appropriate to be in the Land Use Plan itself, and I think that's an age-old discussion. Anytime a

land use plan is done, how much of the information is appropriate inside and how much is appropriate outside in other documents referenced within the Plan. That's something that again, perhaps will be given some more thought.

And certainly the...I think NTI was raising a number of...I guess you'd call them...well you could call them process related issues with respect to consultation and with respect to moving forward on any amended plan or how that will all look. We need to...we will be talking about that whole theme about process related, or process versus technical issues probably throughout the meeting. And I think Sharon mentioned that in some of the earlier comments that process related issues would be something that need to be sorted out in the Prehearing Conference or meetings that have been scheduled as well, but not to take away from the importance of the issues being raised for sure. And I will, yeah I'll shut up now and just end on Miguel's interesting and extensive mapping issues that do need to be resolved. But I think as Jonathan pointed out, while a lot of them hopefully would be quite straightforward, more are....some of them are definitely more substantive and related to policy and choices, and will involve all the major parties. Anyway, I'll wrap it up there. Thank you.

David L: Okay, thanks David. We'll take a 15-minute break and resume at 2:45 please.

BREAK

David L: Okay, everyone. I'm going to ask Jonathan to introduce Chapter 2 and follow the same format that we did for Chapter 1. It should be interesting, this particular chapter. It should catch a few people's attention. So Jonathan, I'll turn it over to you.

Jonathan: Thank you very much, David. So, Chapter 2 covers Protecting and Sustaining the Environment. There are a number of areas we'll go through one at a time, so key bird habitat sites, caribou, polar bear, walrus, marine areas, transboundary considerations, and climate change. So we'll do these one at a time and discuss the issues to a particular, or the comments to a particular issue and then move on to the next one. So, as with the Chapter 1 overview, I'll start by overviewing what the Plan does for an area; some of the comments we've heard; some potential questions; and then we'll go into a roundtable discussion on the topic.

Regarding Key Migratory Bird Habitat Sites, the Commission has relied on the identification by the Canadian Wildlife Service of *highly risk intolerant sites* and *moderately risk intolerant sites*. So they conducted a thorough analysis of migratory bird habitat in the territory and assigned different – sorry – assigned different values to these areas and prepared specific recommendations for each site. They included a variety of setbacks that we will discuss shortly, as well as some prohibitive uses that have been developed over the years.

I'd just like to clarify again that the Community Priorities and Values have not been used to modify the boundaries in this Draft Plan. We are using the boundaries that were provided by Environment Canada. In general, the Plan assigns Protected Area designations to those sites that were classified as highly risk intolerant. For terrestrial sites, there's a few different categories. Terrestrial highly risk intolerant sites were all assigned a Protected Area designation that has a list of prohibitive uses that includes industrial uses - essentially mining, oil and gas, roads,

quarries, that type of thing - as well as the setbacks that have been identified for different species of bird depending on the site itself.

The marine highly risk intolerant sites only prohibit oil and gas exploration and production and related research. That should be taken into consideration when reviewing all of the bird habitat sites together, as well again as the recommended setbacks for each site. All of the moderately risk intolerant sites have been assigned a Special Management Area designation that includes the recommended setbacks and cumulative impact referrals as a term. As we noted previously – I'll just mention it again - some of setbacks do apply to commercial fishing, and those would need to be approved by the Wildlife Management Board before they would be able to be included in the Land Use Plan.

There is an issue with the setbacks and the way they have been prepared and recommended, and how we are able to implement them in the Land Use Plan. The majority of the setbacks are from sites such as concentrations of birds. The Commission would have difficulty conducting a conformity determination on a setback that is from a concentration of birds within a larger migratory bird habitat site. To work in that scenario, we've used direction to regulatory authorities. Since we don't feel, would be unable to make a clear conformity determination on these setbacks, we are passing them on to regulatory authorities and proponents to consider in the further review of the project.

I know there are a number of comments that have been received, and we can elaborate on those. I hesitate to summarize what everyone has said. Maybe I'll stop there and ask people to provide their comments, and we can sort of discuss how, in particular those setbacks, are to be implemented.

David L: Thanks, Jonathan. Any comments that people would like to raise in addition to what they've documented already or would like to reemphasize? Yeah, Naida.

Naida: On the migratory birds, we do have – Rosanne is going to present a few slides to set the context as why that is happening. The new 30 Protected Area sites do overlap with about 1.5 million hectares of IOL, and about 1.3 million hectares of that IOL is found on Baffin Island and on the coast. So QIA obviously is the manager of those surface IOLs is impacted much more than any other Inuit organization. Again, just to reiterate the exercise that we did showing everyone what's in the Options and Recommendations document, we did go through the 30 sites and have the same concern. In some cases, the communities did not identify birds as an issue. Most cases they did, but also identified other values. We are looking for a sense from the communities whether the one priority for those sites is the key migratory birds or whether there are other issues that they want addressed simultaneously for those, for those sites.

Before Rosanne gives her presentation, so that I don't have to interject on this issue, we just wanted to refer to Environment Canada's submission. They did do an excellent job in putting together their material and identified 43 sites that were highly risk intolerant. So there was 43 sites that they put forward. Thirteen of them are already Migratory Bird Sanctuaries or national wildlife areas, whereas the 30 that we see in the Protected Area designation are new ones. We understand that what's being forward for these 30 sites are not new migratory bird sanctuaries or national wildlife areas, but functionally, we don't see a difference. On the ground, what we're dealing with are migratory bird populations that seem to be vulnerable. We think the

Impact Benefit Agreement for Migratory Bird Sanctuaries and National Wildlife Areas is there for instructive as to the level of consultation that's required. And certainly, since this is a wildlife issue, there is a sense that the Nunavut Wildlife Management Board, RWOs and Hunters and Trappers Organizations should be involved in the decision-making. And with that, I'll leave it to Rosanne.

David L: Thank you. Rosanne?

Rosanne: Thank you. Roseanne D'Orazio with QIA. As Miguel is pulling up the – I was going to use one example from western Cumberland Sound archipelago to identify or to kind of give an example of the overlap of key bird habitat site with surface Inuit Owned Land. I guess just to highlight before I start, Naida discussed it briefly, but there's two main concerns that we have with the incursions or overlapping areas of key bird habitat designations – or Protected Area designations for key bird habitat sites and surface Inuit Owned Land.

The first is that... it's in a way as if non-legislated key bird habitat sites have been created through this protection in the Land Use Plan. So we do believe that it should go through the appropriate process, including kind of the IIBA process that is established for these areas. And maybe now that the map is up, I'll just go through. So the light pink area is the surface Inuit Owned Land, and what you see in orange are the overlapping areas of the key bird habitat sites, the Protected Area designation and surface Inuit Owned Land. So there's a large area of overlap around Cumberland Sound. When it comes to what the intent or purposes of those parcels were in that area, as Naida mentioned, I believe that further consultation has to happen to understand if the communities truly – or Inuit – really want that entire area to be under a Protected Area designation. So in addition to the fact that it hasn't go through the actual legislated process to become a key bird habitat site, it also could have potential other uses that are prohibited within the designation. So there could be potential for hydro development in that area. There could be potential for exploration or mining that would want to use road access in that area. So those questions were not addressed and need to be asked if those prohibitions are within that Protected Area designation.

So, I guess as Miguel is doing his fancy GIS work, you can see...I don't believe there's any subsurface, so it's all surface IOL in this area that you can see in pink. And then everything in yellow is the overlapping or incursions of that designation on the Inuit Owned Land. Thank you.

So in our submission there is actually a list of 13 about areas where there are incursions from bird habitat sites on Inuit Owned Land, so we've identified them all. I don't think I need to go through all of them, but they are in our submission so that at least we have a point to start a discussion on. And I think the discussion needs to happen between QIA and the Planning Commission, but once again, we really want to emphasize that discussion should be brought back to the communities, and further consultation would be needed to determine how that designation fits with goals and objectives of IOL.

David L: Thanks, Rosanne. I want to ask CWS a question. Who can speak for CWS today? Bruce. Yeah Bruce, so the question I have for you – it picks up on NTI's concern, QIA's concern that this Protected Area designation would be equivalent to a Migratory Bird Sanctuary in effect. Is that how you see it?

Bruce: Thanks. Do I call you Mr. Chair?

David L: You can call me anything you want, Bruce. Nothing's changed.

Bruce: Thanks, Mr. Chair. It's Bruce MacDonald, Canadian Wildlife Service. I would not agree that it's the same as a Migratory Bird Sanctuary. One way to show this would be a Migratory Bird Sanctuary Migratory Bird Sanctuary does not expire unless there's an order in Council that basically disestablishes it, or as a Land Use Plan that's reviewed every 5 years. Equally, these areas are not established legislation that Environment Canada has. So we have the Canada Wildlife Act as well as the Migratory Bird Convention Act and the associated regulations, which we used to establish our protected areas. So this is not being used as any...they're not...these "Protected Areas" as they are called, are not being established under our legislation. And equally, and finally to answer the question, the comment was made this morning by the Planning Commission themselves that Protected Areas are not meant to be parks. I think that was the term that was used, or similar to parks. So again, in my view, that's another difference.

David L: Okay, but before you go, what I'm hearing from NTI and QIA is the concern that, in effect, the prohibitions that apply within these areas are equivalent to the prohibitions that would apply in a Migratory Bird Sanctuary, notwithstanding that they're not being established pursuant to legislation. So the question that I have – and I'm just asking it for clarification – are the prohibitions equivalent?

Bruce: Again, it depends on the legislation. A National Wildlife areas has quite different prohibitions versus Migratory Bird Sanctuary. For example, most of the prohibitions in a Migratory Bird Sanctuary are only valid when the migratory birds are there, whereas in a National Wildlife Area, they would be valid year-round. So does that help with some of your question, or am I missing some of it?

David L: Well, I guess it's going to come in some cases to site-specific prohibitions. As folks have said, each site is different or potentially different. I guess what I'm to trying to get at is the concern that's been raised that this is a, kind of a slight-of-hand approach - that the equivalent level of protection that would be given through Migratory Bird Sanctuary is being given through the Land Use Plan, and that's been done without the same level of consultation that would be expected if it were being created under legislation.

Bruce: Thank you, Mr. Chair. Bruce MacDonald. I wouldn't agree that it's a slight of hand. Environment Canada was asked, I believe as most other folks around this table were asked, to provide their information on what values that they're responsible for exist within Nunavut, which is exactly what we did. The Planning Commission took Environment Canada's submission, and they came up with - based on our data – and they came up with those, I'll call them zones. So Environment Canada didn't come in to this with any preconceived notions that we were going to be using any sort of slight-of-hand or otherwise to create new Protected Areas. As I said, that's not the business we're in. But we provided to our experts the important bird areas that we know are out there. There could be others that we're just not aware, because we haven't been there. But at this point, those are the important and key bird areas within Nunavut that we're aware of.

David L: Okay, and just to be clear, for everybody, slight-of-hand is my choice of terms, not anybody else's.

(Laughter)

But I'm still not...I'm still not perfectly clear, and perhaps now is not the time. But the level of protection for these areas, is that equivalent or is it a case of one-site-at-a-time analysis? Is that the equivalent level of protection that would be expected if it were a Migratory Bird Sanctuary, just in terms of prohibiting activities?

Bruce: If the activity was going to have a negative impact on a migratory bird while it was there, the activity would most likely not be permitted.

David L: Okay. Alright so I'm hearing that it's kind of, sort of, almost the same.

Bruce: And I mean, just for another point of clarification. It's Bruce MacDonald again. It's the Minister's authority to issue those permits. So that's why I say it most likely would not be issued. It's the Minister's authority. So we would review the permit as part of the established Nunavut process, and the permit may or may not be issued.

David L: Yeah, but we all know that the Minister always does what you guys recommend, right? You don't need to answer that. Alright, any....yeah, Luigi.

Luigi: I have a couple of questions - Luigi Torretti, Kitikmeot Inuit Association – to Environment Canada and CWS. In some instances, the designations, the protected conditions are actually over and above the legislation that Environment Canada and CWS are actually departments too. These are applied on 30 areas that are actually not legislated right now, correct?

Bruce: Thank you, Mr. Chairman. It's Bruce MacDonald. I'm sorry, I'm not sure I quite got the question there. Can you rephrase it again please?

Luigi: Some of the protections that those additional 30 areas over and above the 13 that are legislated...some of the protections that are laid onto those designations are actually over and above the legislation that mandates the migratory bird sanctuaries and the Wildlife...the Wildlife, the whatever, National Wildlife Areas. Is that correct?

Bruce: Thank you, Mr. Chairman. It's Bruce MacDonald. And again, I'll have to say it depends. With a National Wildlife Area, no; with a Migratory Bird Sanctuary, yes. Again, with a National Wildlife Area, all activities are prohibited without a permit. That could mean anything from literally walking, canoeing, etc. with the exception of beneficiaries of course. Whereas a Migratory Bird Sanctuary, the activity has to have a negative impact on the migratory birds and their habitat while the birds are there to be prohibited.

Luigi: So the protection is greater in the Plan than it is under the legislation. Second question that I want to address is regarding some of the colonies that the...the intent is to protect. How old are some of those colonies? What is your data in terms of the years of use of those colonies?

Bruce: Thank you, Mr. Chair. It's Bruce MacDonald with the Wildlife Service. It depends on the area. I mean, some areas we've been to as recently as – we've got folks going in this year to do surveys. Other areas we have not been there for a while. When it comes to ivory gulls, we've had

surveys within the past 5 or 10 years. So again, it depends. It's our expert advice on best available information that those sites are, are important to the birds, which is why that key habitat site document was produced in the first place, was to make folks aware that from Environment Canada's perspective, those are the key habitat sites.

Luigi: Luigi Torretti, Kitikmeot Inuit Association. So as of...what I'm trying to get to is that Environment Canada and CWS are stating that these areas are not fixed. They can change with the Plan. I guess the question I'm asking is to your best information, how long will these colonies be established on these sites? Within my lifetimes? Is the expected use within my lifetime? Is it 5 years? Is it, you know, infinity? How long a time are we thinking about? And if it is infinity, it is effectively legislated.

Bruce: Thank you, Mr. Chairman. It's Bruce MacDonald with the Wildlife Service. Are you asking how long will the birds use the area, or how long will they be protected. If I knew how long the birds were going to use it, I'd be wealthy person, because I'd be able to go to the Planning Commission and tell them exactly, what I'm assuming what they'd like to know. But there are so many different variables. For example, if there's a bad spring, the birds may not have any nesting success, and they may abandon the area early. It depends. But what is important is there is there's historical information that shows those birds do come back to those areas most years. Is climate change going to affect that? Is development going to affect that? We don't know. That's why we go back there and continue to look at those areas to see if the birds are still there.

David L: Alright, any other comments? Naida?

Naida: Since we have Bruce up there, I wanted, we wanted to ask. You supply the information to NPC... it's now in this Land Use Plan. What's your expectation on the community consultation process going into this? Is this... is Environment Canada or CWS planning on having community consultation related proposed Protected Areas?

Bruce: Thanks, Mr. Chairman. It's Bruce MacDonald, Canadian Wildlife Service. Again, I would say from our perspective they're not Protected Areas from a legislation perspective. We were invited to present our information to the Planning Commission, which is exactly what we did. It's our expert information based on our biologist's professional assessment of migratory bird habitat in Nunavut. So in our view, it stands on its own from our experts.

David L: Rosanne and then maybe we'll move on to a different topic. I think you guys have made your point.

Rosanne: Thank you. Rosanne with QIA. I just wanted to clarify if they're not protected areas under the CWS legislation at the moment and they become Protected Areas – or Protected Area designation or Protected Areas under the Land Use Plan - is there an intent to make those into protected – what's the term - legislative protected areas, I guess, after? Because the prohibitions would already be there. The restrictions would already be there to allow it to become. And I think what we're trying, I think what we've repeated several times is that it hasn't gone through that process, and for us, it hasn't gone through the IIBA process according to that. And that's....That's where the issue is and that's where it goes, I think, beyond what the Plan should be allowed to do at this point.

Bruce: Thank you, Mr. Chairman. Bruce MacDonald with Canadian Wildlife Service. I would agree 100% that if any of these areas were of interest to Environment Canada for permanent protection under our legislation, we would definitely follow the Land Claim and the IIBA process. We're signatories to the IIBA, and we follow it. And, again, at this point, we have not heard any requests from a community or otherwise that says they would like these areas permanently protected. So at this point in time, we're not moving down that road.

David L: Alright, anybody else? Luis?

Luis: The Land Use Plan during one of the wildlife presented by CWS a long time ago in Coral Harbour, from that community consultation, the people of Coral Harbour didn't want the wildlife sanctuaries to become a conservation area. One of the biggest wildlife sanctuaries that was proposed, actually nationally, marine areas. The people of Coral Harbour deny that did not want it to become a wildlife area. That letter was sent to KIA, and then it was sent to NPC for a mainland (?) Keewatin Land Use Plan to release the oil and gas exploration to make sure everybody at Coral Harbour knows what kind of oil and gas resources is in the island. And the letter was very specific that they don't want no conservation areas in the island until that research has been done. And that also went to NRCAN those letters. Until now, nothing actually happened because we was waiting for the Plan. Unfortunately, you can see on the map on the left all the areas that are being designated. Those great circles there are the original oil and gas produced by Encana economic development. They are public information. A lot of it was analyzed when those designations was actually granted. Then again go back into the Keewatin Land Use Plan that if anything of these island became conservation areas, they need to do oil and gas and mineral assessment before it became. And it's an obligation now under the organization for those areas now. There's a national park conservation area to actually take place before the designation is granted. And that's for us in the Keewatin Land Use Plan. And so, I chose, I put forward those layers, and this is public information if, I don't know, the federal government actually did any research or going to be doing any research in oil and gas and mineral assessment in those areas before those areas became designated as protected somehow, to make sure Inuit know what's the value of those lands are, and how to get IIBA later. Thank you, Chairman.

David L: Thanks, Luis. Any comment? Okay.

Naida: Just a quick huddle here between NTI and the RIAs. I think the question to let Bruce off the hook is to NPC in that the sites have now been proposed as migratory bird protected areas. And there are concerns about the level of consultation with the communities on the specific designations and impacts on each community. Is there going to be more consultation on the designations, and how is this issue going to be addressed?

David L: Maybe I'll answer that. It's been answered before. This is a process issue that I don't think the Commission staff are not in any position to answer. So the issue of further consultation will be determined by the Commission itself, and I think that's going to be the answer you're going to get each time you raise this particular type of concern. Commission staff are free to contradict me on that, but that's what I'm hearing. So just give them a little bit of slack on this one. Any other comments – technical comments – on the prohibitions that may or may not apply to these

areas that have been identified as important to migratory birds? Alright we will leave...Jonathan?

Jonathan: Thanks. This is Jonathan. I just would like to potentially further expand on the idea of the setbacks in the Land Use Plan and how they are associated with direction to regulatory authorities. The Government of Canada has recommended they be included as conditions with the type of wording that the project proposal must comply with the setbacks in Table 2 in order for it to proceed. And I had sort of mentioned in my overview that we would have difficulty conducting a conformity determination against those conditions, and we're just wondering if anyone had any recommendations on how we could address that issue?

Spencer: Thank you. This is Spencer Dewar. When it comes to direction to regulators, I think the Government of Canada sees it as two separate things. I think what you're referring to is the setbacks in Table 2. We think calling them conditions – I think it's conditions for conformity. So your conformity determination is conditional on the setbacks outlined in Table 2. So we see them as conditions. So that's what we're trying to pitch there. Does that make sense?

(Laughter)

Jonathan: Sorry, just to follow-up. This is Jonathan again. Are you saying that the Commission would not be responsible for conducting an assessment of whether those setbacks were achieved? Like I mentioned, some of them are, you know all land uses must be 1 km from a particular concentration of birds or remains such-and-such a marine distance from them. And those areas are unknown to the Commission within these larger bird habitat sites. So the recommendations, as they've been recommended, are within this larger area. Uses should be set back in different distances or heights from particular locations, which are undefined. So, our conundrum was we would be unable to clearly assess conformity with a given project, because we don't know the specific locations of the birds, the colonies within that site, which is why we used it as direction to regulatory authorities so that could be incorporated into the actual licensing and authorizations.

Spencer: I think we were looking at it where you could grant a conformity determination but you'd have a condition that would follow setbacks. I recognize that information, if it's not in the hands of the Commission, would come through EA, right? So if you were to say must stay 1km away from the nesting birds, you conform as long as conditionally you do that, right? So then as it goes through EA, the regulators would be able to inform, so that your conformity determination would not be compromised. It would be abided to. It would just be a condition. That was sort of how we saw it.

Jonathan: Thank you. So just to clarify, we would be unable to determine if a project did not conform to those setbacks? It would be....

Spencer: Well, you're making the conformity conditional upon abiding by the setbacks, right?

David L: Okay, I'm going to suggest that you carry this conversation outside further if you need to. We can revisit it later, but I think we need to, in the interest of time, to canvas the group one last time on this particular part of chapter 2, and if there aren't any other concerns, then we...please.

Brandon: Hi, it's Brandon from WWF Canada. One thing we wanted to raise, as far as I could see, shipping is only listed as a prohibited action in two of the Protected Areas - 92 and 93, I believe. But it's identified as a threat for almost all of the migratory bird base based protected areas, and if NPC could comment on their jurisdiction and restricting shipping and why it's only in two of the Protected Areas and not in any of the others. For example, #11, Lambert Channel just as an example as a predicted shipping route that...where shipping is identified as a threat to the eider in the area that have garnered the protective status but is not addressed from the establishment of the Protected Area.

David L: Jonathan?

Jonathan: Thank you, David. The recommended prohibited use on shipping in the two specific locations – those are, that should be noted that they are not migratory bird habitat sites. They are Community Areas of Interest where the communities identified a specific concern with shipping and cruise ships. During our community consultations, explicit reference was made to concern in particular bays regarding shipping and cruise ships, and it was intended to be use for Traditional activities and wildlife. So that's why it was in those two, because it was specifically noted by communities. In the migratory bird sites themselves, it has not been included as a prohibited use. However, there are setbacks for shipping. So if it's in a marine area, there are marine setbacks from which ships would need to remain away from particular coastal areas where birds may be nesting, for example.

David L: Okay, any other questions, comments? Alright, and I'd really encourage people to continue the conversations as you see fit outside the room or during the breaks and so on. I don't want to seem to be cutting conversation off, but I am cognizant that we've got three days to go through a lot of stuff, and you know, if we can avoid meeting in the evenings, I'd like to do that too. So Bruce, thank you very much, and Jonathan do you want to go on to the next section?

Jonathan: Great. Thank you very much, David. We'll now we'll move on to caribou calving and post-calving areas, so this is Section 2.1.2.1, the specific issue. There is further caribou habitat identified, but for the moment we'll stick to calving and post-calving areas in. To summarize, numerous organizations recommended the protection of caribou calving and post-calving areas to the Commission through our consultations. Through the previous consultations over a year ago, the GN provided information for mainland herds that included a variety of different habitats for consideration for different levels of protection and management. We will...I think the GN is going provide an overview of these different types of habitat.

I will note that the submissions we received were not, of course, entirely consistent. In some cases there was recommendation for prohibitions on certain activities within calving grounds and post-calving grounds. In other cases, it was calving grounds and key migratory...key access corridors. There were variations among different in what we had received. The GN, in particular, recommended core calving areas and these key access corridors to have prohibitions.

What the Commission did is looking at the variety of submissions that were received in regards to caribou combined, which was a file the GN provided as well – a combined core calving area and post-calving area, which reflected submissions from the Wildlife Board, the Beverly Qamanirjuaq Caribou Management Board, other organizations. And we considered the

combination of those two types of habitat to include at least the vast majority of key access corridors that the GN had identified for prohibitions. That's the first thing I just wanted to mention that the process that was gone through.

The other is that we received information from Aboriginal Affairs, again, on areas of significant or high mineral potential. And what has been done in the Draft Land Use Plan, which we can certainly discuss is areas of high mineral potential were effectively removed from the Protected Area designation of the previous amalgamation of caribou data and changed to a Special Management Area where direction to regulatory authorities was provide a noted a potential concern for cumulative impacts.

So, again recognizing there was feedback from a variety of different parties on this issue, that's an overview of what we did based on the information we had at that time. There are, of course, a lot of issues to talk about, and I won't pretend to summarize all the agency's feedback on that at this time. But we'll note there is certainly overlap with IOL in these areas and a lot of interests in the mainland in general. Sorry Peter, did you have anything to note?

Peter: Hi, Peter with the Nunavut Planning Commission. Just the map I have on the left screen. The polygons marked 47 are core caribou and post-calving areas. The polygons marked 48 are also core caribou calving and post-calving areas with high mineral potential. They are scattered across the territory. I'll just zoom out to the key here for the different types of caribou, and this is data from the GN. So pink is the migration corridors. Red is the calving area, and the yellow is calving and post-calving. So, the NPC did rely pretty heavily on GN data on deciding where the 47 and the 48 went, and my computer is frozen again. Thank you.

David L: Alright, I have a feeling there might be a comment or two on caribou calving and post-calving. Yeah, shall I start with you, Bert?

(Laughter)

Bert: Yeah, thank you David. As noted in our earlier comments, it's a very complex issue, and it's one we've been working with Regional Inuit Associations and with the Regional Wildlife Organizations and local Hunters and Trappers. When Inuit signed the Land Claim Agreement, they got land and they also got management responsibilities with wildlife, and we have those competing priorities. I think from the NTI perspective, it's similar to what the Planning Commission and even the Government of Nunavut would be going through with the different departments. It's trying to find balance with those competing interests. Clearly when the GN submission or when the Draft Land Use Plan came out, it had the GN information and that protection for not just the core calving grounds, but the post-calving and migration...or corridor routes. It caught a lot of people's attention. Industry as well would be very interested in what was going on and how will the Planning Commission deal with this.

As mentioned, and it's on the record, there are Hunters and Trappers organizations and wildlife boards that have concerns and want protection for the core calving grounds, and there seems to be more flexibility for post-calving or corridors with mobile protection measures. As we've heard earlier from some of the Regional Inuit Associations, this is an area we've left with each RIA to be able to comment on, because the dynamics of caribou are different in each region. And also mentioned – I think it was Karin or Jan mentioned when they were doing their

introduction, there are a number of herds that are in a downward cycle, and they are shared populations that are crossing different boundaries.

NTI does not have an official position at this time. It's something we continue to work on. We respect the concerns from the communities for how important caribou are, as do the RIAs, so it's a challenge for all of our organizations. We'll be continuing to work on this. I guess it was one of the reasons earlier, we were trying to gauge if there was interest to do a roundtable, as the Planning Commission had mentioned before at earlier meetings. Some of these issues will be a bit more intensive or complex and require more discussion, not just at the regional or NTI level or government level, but at the community level. And we've learned over the last few years just some of those impacts.

David L: Thank you, Bert. This is definitely one of the thorny issues I referred to earlier. Jennifer.

Jennifer: Thank you David, and thank you Bert. First of all I think we would like to commend the Commission for the work they've done so far in the Plan. As we all recognize, this is a very sensitive issue, and the data that the GN provided to the NPC that has been reflected in the Plan represents the best available information that we have at this time for caribou requirements, protection requirements. With that said, I think it would be useful to go...or outline the GN's primary concerns with the approach that the NPC has taken in the Plan so the NPC has a good understanding of our recommendation. Of primary concern to the GN is the application of land use designation to core calving areas and key access corridors, according to the overlap with areas as of high mineral potential. And the GN also has concerns with missing information with respect to other lifecycles, stages of the caribou specifically: rutting areas, migration corridors, and seasonal ranges.

To help me explain this a little bit better, we have a short presentation that we can go through that will provide some visual representation. Peter is going to help me out with the controls. So I'll get you to go to the...bear with us here. So for the sake of time, we will just be focusing on the Qamanirjuaq herd, and if there's further questions, we have our caribou biologist on hand here, Mitch Campbell, to answer any further questions. Here we go. Next slide please.

So as I said, we've got information on three mainland migratory herds, but we will be working with Qamanirjuaq just for the time being. Next slide please. So this map represents the full range of the Qamanirjuaq herd. As you can see, it extends into multiple jurisdictions. However, through the use of telemetry collaring data, we've been able to narrow down the core calving areas to the specific places where they exist.

So core calving areas, to get a little bit into the details, represent an area with a 95% utilization distribution. What that means is that these are areas where breeding females consistently congregate to have their young. They're chosen to favor calf survival, which means they have low numbers of predators, and they are free from sources of disturbance. This is very important because calving is the time when caribou are the most sensitive to any kind of disturbance. And like I said, Mitch can get into more details on this point. So next slide please.

So now what we've done is overlaid the spring migration routes onto the map. Spring migration routes are the corridors that caribou use to access the calving grounds. The methodology used to delineate these areas is much the same as what was used for core calving areas. Next slide

please. So it might be a little bit....so you can see we've added an outline to the core calving area. It's brown, and that represents the extent of post-calving. After the calving season has ended and once calves are strong and more mobile, the herd starts to spread out into post-calving areas. These areas are geographically larger and offer good forage. Additionally, because the calves are more mobile, they are able to avoid disturbance at this time.

Key access corridors – and there's an important distinction between key access corridors and spring migration corridors – hopefully I can explain right now. Key access corridors, to determine the key access corridors, the GN looked for overlap between three important life cycle stages, being the spring migration routes, the core calving areas, and the post-calving areas. Where these three areas overlap, there is a very high concentration of usage by caribou and represent areas of critical importance to conservation for the species. So if you go to the next slide.

This slide here, the purple outline represents the GN recommendation for the core calving area. As you can see, we've combined core calving with key access corridors for their collective importance for herd health and productivity. We must...or it must be stated that impacts from industrial development at this time cannot be mitigated due to the hypersensitivity of caribou during the calving period. Next slide.

So what we've done in this slide here is just overlaid the areas of high mineral potential from the Land Use Plan. It's our understanding that these areas are based on a number of factors, but they represent areas of high potential for mineral resources. Where these overlap, of course, as everyone knows with calving grounds, they have been designated as Special Management Areas where development activities can occur. And the GN has major concerns with the approach. If an area of high mineral potential overlaps with a calving ground, it essentially trumps the protection requirements of the calving ground and undermines the potential protection measures put in place by the plan by fragmenting the core calving areas and key access corridors and separating them from the migration routes used to reach the calving ground itself.

To explain this better, we have actually put together an animation that uses telemetry data from a 20-year period. So, the bright green is the spring migration coming through the spring corridor, and now we have dark green, which represents calving, which is within the calving area. Yellow is post-calving, and now we're going into the late summer. So we'll let that just loop through one more time so that folks can get a feel for it. Essentially it's showing the movement of caribou as they come up through the spring migration corridor and into the calving areas. You can see they congregate in very high concentrations in these areas. And then in the post-calving they're able to spread out a little bit more, and then onwards into the rest of the seasons.

So I'll just get you to go to...So now just quickly we have Qamanirjuaq herd, Bathurst herd, and Beverly. We've been able to put all the animations together onto one slide, which will give everyone a little bit more of a visual representation of the importance of these calving areas. So this is coming into the calving period. And now we're post-calving and out into the summer months.

So hopefully that explains the GN's recommendations to the NPC a little bit better, and if anyone has any questions, we'd like to open up the floor to discussion. Like I said, Mitch Campbell is here to answer any questions of a technical nature. Thank you.

David L: Thank you, Jennifer. Why don't I just kind of go around the table. Government of Canada, any comments on the caribou issue?

Spencer: No comments.

David L: Alright, any of the wildlife boards? Go ahead.

Jackie: Hi there. Jackie Price with the Qikiqtaaluk Wildlife Board. I joined this meeting late, so I'm sorry I missed the first half of today. Although we have written this within our submission and in appreciating that this is a highly sensitive and important topic for communities, we would just like to reiterate that from QWB's perspective, we believe that calving and post-calving grounds should be protected regardless of high mineral potential. We make these statements based on our daily interactions with HTOs of this region and in considering the vital importance of caribou as a food source. And as mentioned by Bert earlier, our active involvement in the management of caribou including the recent public hearing on Baffin Island caribou hosted NWMB. And also in respect to the fact that our communities of Resolute and Grise Fjord are highly, highly active in the management of Perry caribou. But I guess some of you probably guessed that, so we just wanted to reiterate it. Thank you.

David L: Thank you. Wildlife Management Board? Any comments?

Leah: Thank you, David L. Leah Muckpah, Regional Coordinator for the Kivalliq Wildlife Board. In KWB's AGM October the Kivalliq Wildlife Board unanimously passed to protect the core calving and post-calving ground for Beverly and Qamanirjuaq, and this was reaffirmed in the February 2013... Oh actually the first resolution was in February 2013, reaffirmed at KWB's AGM October 2013. A third was sent out April of last year reaffirming that KWB stance to protect the calving and post calving grounds. Before the Kiggavik hearing in February, Kivalliq Wildlife Board passed another resolution not opposing Kiggavik but with a lack of start date and lack of protection of calving and post-calving grounds for the Qamanirjuaq herd opposed to support Kiggavik. The stance for the Kivalliq Wildlife Board comes from the seven communities that make my regional board, so that's where we stand.

David L: Okay, thank you. Just going around the table, any comments? Yes, please. Henry.

Henry: Henry from Nunavik Planning Commission. Now this information that I saw is really good. How did you collect the data? Did you radio collar all the caribou?

Jennifer: Jennifer Pye, Government of Nunavut. Thank you for your question. I defer to Mitch on this point respecting how we gathered the data for caribou.

Mitch: Yeah thanks. So there are a number of different data sources were used, both IQ-based and scientific based. It was more than just caribou collars that were used to determine the importance of these areas. To define these core calving areas, collar data was used over multiyear period to ensure we captured the entire areas. That's what these are based on that we're looking at here in these animations. But there is a lot of survey data that was used as well, surveying during calving. There is a fair amount of on-the-ground work in the calving grounds that has been done over the years that has been utilized for this position as well. IQ

shared and discussed at the Regional Wildlife Organization meetings and at HTO meetings across the Kivalliq region, and also we had a caribou strategy consultation process that traveled right across Nunavut and spoke with every HTO and all three Regional Wildlife Organizations. During each one of these, information was collected from hunters, what they had seen, Elders what they knew about calving and effects of disturbance on calving grounds. In every single case, communities and our WOs came out strongly wanting complete protection within calving and post-calving areas for caribou, and in some instances on migratory corridors as well. So that's the overall information base that was used for that. Thank you.

David L: Thanks, Mitch. Henry?

Henry: Yes, thank you. Because I am a hunter myself. Did you know that there were lots of caribou from Baffin Island – Peary caribou coming down from Cape Dorset area to my area, Akulivik where's I'm from. They migrated through the ice somehow and they landed in my community a few years ago, maybe 8 or maybe 9 years ago. I just wanted to say this information, because they migrate somehow through the ice where there's a lot of open water. Just for your information. Thank you.

David L: Thank you. Mitch?

Mitch: No, I really appreciate that information, and this is the kind of information that really helps to understand more. Because really when we talk about collective experience...I've been working on barren caribou for 30 years now, exclusively pretty much, but you guys have been working on barren ground caribou your whole lives. So we really need to add a huge level of importance to what the communities and the hunters are telling us. It's these guys that grew up on the land, always with the caribou, living off the caribou. I mean there may not be a very organized way or structure to collect the information, but I'm telling you right now that the information is absolutely of the highest quality. And then when we've done our science, all its done has just verified what we've been told all those years. This kind of information – I know a lot of people around this table may not be used to utilizing this kind of information, but I hope you believe me having worked on caribou for 35 years, it's of a higher quality. And it really needs to be considered by all organizations when you're moving forward with land use and the protection of caribou for sure.

David L: Well speaking personally, it's no surprise to me that the communities know more about caribou than the researchers do. No offense. Having been through that experience in the NWT time and time again. Speaking of which, does the GNWT have anything to add to what they've already indicated?

Karen: Thanks, David. The GNWT – it's Karin Clark, sorry. Jan's telling me to speak up. The GNWT did not make a formal written submission, so if it's ok, I'd like to just read. We've got about five or six points that summarize our position.

David L: Yeah, I mean this is, as I said earlier, one of these really important issues, and I'd like to canvas the group and then figure out where we're going to go with it. So yeah, by all means.

Karen: Okay, thank you. Caribou are highly vulnerable to disturbance in the days immediately prior to and during calving and during the post-calving periods. Studies of the Porcupine caribou herds

calving grounds suggests that displacement from preferred calving areas may result in reduced early calf survival. Disturbance impacts associated with industrial exploration and development may disrupt caribou calving behavior and negatively impact calf productivity and cow-calf bonding.

Maintaining the integrity of the calving grounds is absolutely crucial to the survival and recovery of any barren ground caribou herd, and the protection of calving grounds is widely supported by communities throughout the Northwest Territories. Calving ground protection was one of the highest priority recommendations of the 2007 Caribou Summit held in Inuvik. Calving grounds are not only used during the calving period. They may be used from migration in May through the summer and into early fall, as we saw in those animations, which were really helpful. Development on calving grounds may thus affect the herd through a substantial portion of the year, and not just during calving.

GNWT supports the Government of Nunavut's position as stated in its submissions, to the Nunavut Planning Commission that industrial activity of any type, including mineral exploration and production, construction of roads, pipelines and infrastructure, should not be permitted in any calving areas or key access corridors at any time of the year.

In post-calving areas, the GNWT supports GN in recommending the use of seasonal restrictions, with only winter road access being allowed. And lastly, GNWT supports the use of seasonal restrictions on development activities when and where caribou are present in rutting areas. I think Jan wanted to make just a couple of points.

Jan: Just one more point to add. We don't have – this is Jan Adamczewski with NWT as well – we don't have a nice animation for the Bluenose East herd, but if you go west of the Bathurst, that's the next calving ground, and that herd is familiar I think, particularly to hunters from Kugluktuk. That calving ground is just west of the community, and we have the same kind of collar and Traditional Knowledge information for that herd. The Bluenose East and the Bathurst, particularly, the trends are downward. The numbers are at low levels. So the level of concern in our communities and out Aboriginal groups is extremely high. Harvest restrictions have come down for the Bathurst. The harvest has almost been closed in the NWT, and we're now looking at restrictions on the Bluenose East harvest. So I can say – I can't speak for the Tłı̨cho Government, but there are many Aboriginal communities in the NWT, and they are very concerned about anything that might impede possibility of stabilization and recovery of these caribou herds. Thanks.

David L: Thanks, Jan. Just coming up the table here, any additional comments? Miguel?

Miguel: Miguel Chenier with NTI. This is a question to the GN, a general question: Is this a published report and has it been peer reviewed? Is it possible for us to be able to see the methodologies that were used in developing the areas that you've defined? And along those lines more specifically just to ask, were the areas defined as a result of an average from year to year from the data that was gathered, or is it cumulative? So along those lines. That's what we're looking for. Thank you.

David L: Go ahead, Mitch.

Mitch: Yeah, thanks for the question, and just...it may not have trickled down to you, but that has been supplied to NTI. The methodology has all been sent over to the Wildlife Division so that's there, but I can go over it very quickly.

It's a cumulative look at collaring from 1993 to 2010 is what that represents. It represents actual caribou locations. So there isn't any averaging going on other than the.....kernels...the size, the buffer size of the collars. We have to buffer all the collars to actually create the actual areas that we do. It's an 11km buffer that we put on to theses, so it's not substantial. So what you're looking at essentially, although any kind of GIS spatial polygon that's put on there has some modeling involved in it. What you're looking at with those collar locations that you're looking at is actual locations of caribou. So it's the real McCoy. We're not smoothing lines out or anything. That is where the caribou – exactly where they were and where they've been between 1993 and present. So it's a phenomenal thing. It never ceases to amaze me to see caribou really that predictable during that time of the year, and it really is. It's what it looks like.

And just too, a point of clarification: I don't think folks around the table know we have some preliminary data for Qamanirjuaq caribou. Since 2008, the Qamanirjuaq caribou is now in a statistically significant decline of a substantial nature. We are going to be reporting to communities before we report numbers back, but just so people know that the Qamanirjuaq between 2008 and present has begun a decline that, like I say, statistically significant. All the main herds now are now in substantial declines. Thank you.

David L: Thanks, Mitch. Miguel?

Miguel: Thank you, Mitch. No, I hadn't heard about it being cumulative. That was one of the questions I had, so we haven't heard that yet. Just as far as accessibility goes though, I was still wondering about the report being accessible so that we could see the methodologies? Was that also passed on to NTI?

Mitch: Yes, the methods were sent along. We can send them along to you guys again. Somebody's got them there, but we can forward them again. The methods are also in an in-prep publication that's going out between the NWT and the Nunavut Government that's sort of a state-of-the-art of spatial analysis and of caribou annual and seasonal ranges. All the polygons and the methods have been described and have been out to various organizations, partnered organizations that we're working with. I can make sure that you guys get all of that. We expect that within the next...probably by November, the publication will be out and available publically.

Miguel: Thank you and very impressive, by the way.

David L: Thanks Mitch. Thanks Miguel. Jason, you had a question?

Jason: Qujannamiik, David. (*Jason spoke in his language. The following is translated:*) Beginning in 2008, the community members – the caribou were declining. When we heard that, beginning in 2008 there was a moratorium. We have given support to protect our caribou herds. Therefore, it effects our community very seriously, and it affects because it's a part of the main diet. It's a very serious matter that hinders Inuit. Therefore, the QWB supports the protection of the caribou, and we are going through the non-hunting of caribou. Thank you.

David L: Thank you, Jason. Liz.

Stephane: Stephane Robert for Chamber of Mines. So the Chamber support caribou conservation, and we have been supporting caribou, history in Nunavut's three regions on a number of herds. Caribou continue to be the focal species of assessment in mitigation planning on a project-by-project basis. A number of parties believe in protection of calving areas and other parts of the seasonal range. Protection measures and other mitigation measures such as the caribou protection measures, already exists and was developed with Inuit organizations and with Government of Nunavut and are used to protect caribou and caribou habitat.

Before absolute protection measures, as recommended by GN are imposed, we will expect first to have a clear definition of what core habitat is. The question we ask with some answer that we get today: clear method and justification of boundaries; peer review; associated research, because are we protecting for the correct reason; and an example of development in the core calving area that causes discernable decline in a caribou herd. Because what is really important is if we sterilize an area because we cannot do any research after that, this can be sterilized for a really long time. So it's really important to understand this. As we say, Chamber of Mine is not against, but we want to make sure that we will protect the good things, and we believe in caribou protection measures. Thank you.

David L: Thanks, Stephane. I guess just a word of caution. Sterilization is a strong term. You might find a more sensitive one. Sharon and then Mr. Mayor.

Sharon: Thank you, David. Sharon with the Nunavut Planning Commission. We'd like to thank the GN for the presentation, and Mitch, the participation on the consultation. We recognize that's been very valuable. This information – you said you provided it to NTI, but the Commission does not have that information. We have the maps, but we don't have the science. So we would like to have that information as well. It would be appreciated. Thank you.

David L: Thanks Sharon. Barney?

Barney: Thank you, David. I can't stress enough how important the caribou herds are to the culture of Inuit, because it's one of last parts of the culture that we're trying to hold on to. We can't say enough of how important it is to protect the calving and post calving grounds. I would like to thank the wildlife boards and Mitch Campbell and Bert for all the hard work they've been doing. I've been with the Wildlife Board for a few years, and I've seen the process that they've done in the years, and I just want to give them a pat on back for all the hard work they did. Because realistically employment in one mining industry compared to one hunter - there's really no comparison. One hunter will provide for a community, and caribou being one of the main diets in our culture, there really is no comparison. So, I would really like to raise my concern for the protection of caribou calving grounds. Thank you.

David L: Thank you, Barney. And I've been remiss in not asking the registered participants who might be on the phone if they have any comments. And I'm not hearing any...Yeah, go ahead please.

Baker Lake: *(Via phone. This portion is not on audio)*: Question for GN: Post calving grounds for protective status – is there a biological reason for this?

Jennifer: Hi, Jennifer Pye. Thank you for the question. There is no doubt that post-calving areas are obviously very important to herd health as well, but the GN has a mandate that we must stick within, and it was a GN approved position that all-out protection be assigned for core calving areas and key access corridors and that seasonal restrictions in post-calving areas would be an effective way to mitigate the impacts from development at this time.

Baker Lake: *(Via phone. This portion is not on audio)* Is post calving decision rooted in science?

Jennifer: Sorry, to clarify your question, you're wondering if the post-calving area decision was rooted in science. The GN...the departments submitted to our decision-makers a number of options for post-calving areas and core-calving areas. These were explained in an Options document, and the decision to assign seasonal restrictions to post-calving areas was directed from our decision makers. Thank you.

Baker Lake: *(Via Telephone. Not on audio – question about water crossings and seasonal restrictions)*

Mitch: Yeah, hi. This is Mitch Campbell with GN. So the water crossings are captured within the migratory corridors in the seasonal range, and the recommended sort of actions for those particular seasonal designations. So that was all captured under there. And as just a real quick answer to the initial spot, all the biological information was put towards the submission within the Government of Nunavut, and a decision was made at higher levels. And so, you know, there are many other components to the decision-making other than biological that we're taking into consideration when that decision was made. So that was kind of above my head, but just to more fully answer your initial question. Thanks.

David L: Thanks, Mitch. Any other questions from Baker Lake? Okay, thank you. Peter.

Peter: Hi, Peter from Nunavut Planning Commission. I have about a half dozen questions for a few of the parties. The first batch are for GN. It sounds from what I heard today that you're not too happy with the designation 48, which is core caribou calving and post-calving areas with high mineral potential, which is an SMA not a PA. Now, is that with all 48s that you're not too happy about, or is that some 48s.

For example, I'll swing over to the Qamanirjuaq herd here. It sounds like this 48 where my cursor is moving, which seems to cut through the migration corridors, would be something you'd be very not happy about. But other 48s like the one at the top, you might not be as concerned about. Am I, is my thinking along the right lines?

Mitch: Okay so...What this kernel represents in the analysis in the analysis that was done, was it was a very uncomfortable process. So where this ended up coming to, and there are many organizations that were not happy with that kernel that was developed. It's quite small compared to what some of the presented kernels for low risk protection of the calving grounds were. So to answer your question, it's all....

Peter: Sorry, when you say 'kernel' what are you referring to?

Mitch: The polygon of the core calving area and key access corridor. The overall polygon. So the answer is that is really – it's already scraped down to a bare minimum in terms of what we believe the

herd needs in this particular case, and in all the cases. So we'd be – what we're looking for is for caribou, core caribou calving areas and key access corridors to trump high mineral potential in all cases. And that's what we're asking.

Peter: So to be clear, you would like to see Designation 48 scraped and all 48s being moved into 47, and 47 is the Protected Area for core caribou calving and post calving areas?

Mitch: Correct.

Peter: Okay, thank you. My second question is it sounds like there is five types of caribou habitat, and it sounds like there's priority on those types of habitats. I want to be sure I'm clear that I have the 5 in the correct order, so in descending priority, the most important is calving areas. Second is migration routes. Third is post-calving, fourth is rutting, and fifth is water crossing. Is that correct?

Jennifer: Thank you for your question. I think it's perhaps not the best way to rank them in order of importance. I would say of course, core calving areas and key access corridors are of the primary importance, yes in that way. But post-calving, rutting areas, and migration corridors – they're all of equal importance to the overall productivity of the herd throughout the various seasons throughout the year. So, yes, we have recommended a number of measures for each of these seasons that reflect importance to the overall productivity of the herd. I don't know if Mitch has anything to add to that, perhaps.

Mitch: No, I don't think prioritizing is the way to go with that particular issue. I think just taking it on a case-to-case basis is the best way to go, because really you're asking a caribou biologist what's the most important spot, and I would say the whole annual range is the most important spot. So the caribou generally – I don't know if this will help but it might add some background – in an environment where the growing season is very restricted and where vegetative productivity is very low, the species that survive in those areas require extensive, massive areas to survive. Migration, in this particular case, is one of the strategies to maximize abundance and productivity of these herds and long-term viability. So, it's just the nature of it, you know obviously we can't protect whole area. But the whole area is still important and the caribou need to access it. I would look at different tactics, different strategies for each of the seasonal ranges, but each is as important as the next is the way I would...I don't know if that helps. But obviously, core calving and key access corridors are number 1. Thanks.

Peter: Just two more questions: If everyone looks on the map on the left, you see the large polygon 47, which is Protected Area north of Kugluktuk. Now the GN's submission had a caribou map in it, and the portion of 47, which only has the horizontal yellow lines on it, is included as important caribou habitat, if I interpreted that map correctly. So it sort of cut 47 in half. Am I confirming that you want to keep this 47 as it is?

Jennifer: Sorry just to clarify, whereabouts in the Settlement Area is this?

Peter: This is Kugluktuk, so it's northwest of Kugluktuk. It is post-calving...

Jennifer: Sorry, could you repeat the question?

- Peter: On the map, the portion of this polygon 47 that is just the yellow horizontal lines, which just means post-calving. It wasn't colored, so I'm just confirming that the GN is still saying that the whole of the 47 needs to say as 47, which is protected caribou habitat.
- Jennifer: To clarify, the map that we sent to the NPC with our submission only shows core calving areas and key access corridors to draw particular attention to those areas. Post-calving data can be discussed in more detail, unless Mitch has something to add to that. Maybe I didn't fully understand the question.
- Mitch: So just quickly, for the post-calving, yes. That's the way it should lay out for post-calving. So, yes, it should be included.
- Peter: Great. Thank you. This really is only two more questions. So we're looking at Adelaide Peninsula here. We see a large red polygon here, which is most of Adelaide Peninsula overlying, which is the core calving, and then a lot of the yellow, which is post-calving. And then what I noticed just now is that over here is the core calving polygon, which relates to your presentation, but your data from the presentation isn't showing the same extent of the calving area up into Adelaide Peninsula if you look over at the screen on the right. So if you're looking at the screen on the right – I'll try to get my cursor over here. This area isn't showing as core calving from the presentations. So does that mean that – let me get my cursor back over to the left screen again – that this red polygon is out of date or what does that mean?
- Mitch: Okay, that's...good capture. It's not out of date. To do this presentation, we didn't want to encumber the process with a lengthy presentation, so we didn't do all the herds. There's the Ahiak herd that is neighboring the other herds there, and that's left out of this, so that's what you didn't see. So it's as you have it - that's correct.
- Peter: Thank you. My last question is for the Kitikmeot Inuit Association. In your submission, you suggested the mobile regulations for caribou. Are you able to go into some explanation of how those would work on an administrative jurisdictional level and flush that out a bit for us?
- Luigi: Thank you for the question. Luigi Toretti, Kitikmeot Inuit Association. The mobile protection measures would require...it would be difficult administratively to incorporate those in a zoning. It would be similar to the discussion that Jonathan had with the birds and CWS. So it would be fairly difficult. The point that we would like to make – that the Kitikmeot Inuit Association would like to make - is that we all want some strong measures to protect caribou, and I would suggest that a specific workshop – a facilitated workshop - be seriously considered. Because I think all of our organizations – all the people around the table – are really looking to protect caribou. How we go about protecting them is the big question.
- You know, we can...a lot of these....some of these are position statements, and right now I have to speak to the position given to me by my Board, which is the mobile protection measures. And part of that comes from the fact that the feedback that I'm getting in my area is that the caribou calving grounds - the core calving grounds - are not as is displayed here. They are in the cumulative sense. So if one looks at a compilation of data from 1993 through 2013, that compilation will result in those core areas. Year to year there is going to be variation in those calving grounds.

I want to point the Commission to a paper by Côté and Festa-Bianchet. It was published recently, and I believe it was 2013. They specifically looked at Quebec - Northern Quebec - where they actually have they have a legislated polygon, a protected polygon for caribou calving grounds. The research looked at how annual distribution of caribou calving was actually protected by that delineated polygon. Effectively it was a very poor protection year to year. The management recommendation was typical of biologists in the sense that what they recommended was the legislative protection of a larger area protection. But people can look at that and make a different recommendation, and focusing more on mobile protection measures for protection. So I would strongly recommend that a caribou meeting be facilitated, because I think we're going to develop some more pointed discussions, and more pointed data, because that is something from the GN. What really are the annual areas that are used by caribou? I don't know if I actually responded to your question. I hope I gave a little bit more clarity.

David L: Thanks, Luigi. Sharon.

Sharon: Thank you, David. Sharon from the Nunavut Planning Commission, just two comments. The Commission looked the number of submissions with the mobile measure recommendations, and we do need to flush that out. So the option of another specific workshop, I think, is something that we should be look at. When the four parties get together, we can further have those discussions. For the GN, I am wondering if you can provide the Commission with the Option and Recommendations documents that went forward on the decision-making, so we could we see your methodology and what was explored? And if you can advise or provide the Commission with how much input the community had into those Options and Recommendations, we'd appreciate that for our consultation record as well. Thank you.

David L: Yeah, go ahead, Mitch.

Mitch: Yeah, thanks. It's also, just as a note, in the metadata on the files that were sent to NPC, there is a description of the methodology that was used to develop it, so that should be readily accessible with the files you currently have. I can provide you with a text document that comes from the draft map atlas that is coming out that will give you a more user-friendly version of the methodology. So I'll take care of that.

Also, just for point of clarification, the GN is not supporting mobile protection measures within core calving areas and key access corridors. The GN believes they have a very large amount of information and IQ, and we have some of it here, if in a sidebar people would like to see it. I can show it to them. Otherwise, it's going to take a lot of time. I brought a lot of the papers with me that say that mobile protection measures, though effective - I would agree with the other groups - effective during some of the seasonal times of year or post-calving and migration and those sorts of things. We think there definitely could be a workable model put forward on that. But during calving, the sensitivities are simply too high. The result of the research that has been conducted and the experiences that we've gone through, and local hunters have gone through at the community level, clearly show that caribou are way too sensitive - even for visual cues - on a calving ground.

So I just wanted to make that one...I understand, and I'm totally willing to enter in - myself. I have to ask my government - but I am personally totally willing to enter into discussions. I think they're long overdue for a number of reasons on both sides with our colleagues down the table

here, the Regional Inuit Associations, and get into further discussions so that we can try and see a way forward here.

But, I would like to make just one really quick statement before I leave off here. I've been working on caribou for about 35 years, as I said earlier, and I've spoken to many colleagues that have been working on caribou longer. Then I've spoken with a number of the hunters and trapper, and just beneficiaries that have been on the land for a period of time. I've been doing this in Nunavut for quite some time now and before I even came to Nunavut. And all my experience and all the information I've collected, and the literature I've collected so far supports all of this, and there is literature to support it – not as much as I'd like, but it exists. It all tells me that if we do not – if we fail to protect our caribou herds on their core calving areas and key access corridors, the future will fundamental change for harvesters and for caribou. Everything I know, everything I've learned, and everything I've talked to people about say the same thing. I can't stress enough how important this is. It's not a contest. It's not any of these things. It's factual, based on what I've seen and what people have relayed to me. It is a real critical turning point here, and I don't want to heap the pressure onto NPC, but NPC really have a lot of...have more on their plate than they should have. You already have too much on your plate as it is, but this is a key thing for the future of caribou in Nunavut.

David L: Okay, Mitch. I think we've got it. Liz.

Liz: Thank you, Mr. Chair. It's Elizabeth Kingston with the Chamber of Mines. So, based on this new position provided by the GN over the weekend, the Chamber would like the opportunity to canvas our members and provide a further response to the NPC with respect to this particular area. We also know that all areas of high mineral potential have not been captured in terms of data, so we would like this data to be provided to the NPC for consideration as well. With respect to the upcoming or prospective upcoming hearing on caribou, we would like to be considered and invited as a core party member to that discussion, so we would like to be involved. And I believe, Mr. Chair, if you'll indulge us, I heard Alex Buchan call in on the phone. He is a member of our Executive of the Chamber of Mines, and I just would like, with your indulgence to invite him if he has any further comments that he can add to the Chamber's area on this. Thank you.

David L: Yeah, by all means. Alex, if you're still on the phone, you're welcome to make a comment.

Alex: *(Not on audio. The following is approximation).* To the GN, in terms of the experience and literature and research that has been conducted on the core calving areas, can examples be provided where development had a negative effect on caribou calving grounds on the herd?

David L: Go ahead, Mitch.

Mitch: How much time do we have?

David L: You don't have to provide it now.

Mitch: We can provide it. Absolutely. And I believe the NWT has number of examples as well, and we could provide that easily.

- David L: Alright, can you maybe give Alex a date by which you would commit to provide this?
- Mitch: It won't be until – I'm off on holidays shortly – so it won't be till August sometime that I could probably get that. I've got some information. I might be able to....if he can contact me, I might be able to get him some stuff before I leave, just fax him some papers.
- David L: Okay, will that work for you, Alex?
- Alex: *(Not on audio. The following is an approximation):* With regard to calving grounds, is it not possible that these areas only need to be protected from disturbance specific periods of the year?
- David L: Mitch, go ahead.
- Mitch: That's a question in the mobile protection measures. Much of the component of what affects caribou on the calving grounds we're trying to flush out. So as I said earlier, there's not as much information there as we'd like. But some of the Traditional practices of Inuit using inukshuks to funnel caribou are evidence of visual abilities to cause caribou movements and displacement. So we know that caribou do react visually.
- Again, I've got a couple of examples of what happened to us, and I've got actually, I believe, a couple of people here that were with me on this particular study that can verify this, but it would take a while to bring it out. Just showing what walking across the tundra can do to cause calf abandonment and caribou to leave the area. Having an infrastructure always requires something going on, some sort of generator running, staff keeping the place up, aircraft potentially coming in periodically for anything – medical reasons or just to resupply a company. All these things, plus the visual, plus the dust that's created by all these different effects that occur in a large site – a large mine site – are all the reasons why these mobile measures can't deal with that.
- The other thing to consider with mobile measures – and I can speak to anyone off to the side here or go on to it further if we have time later – is by the time mobile protection measures detect a problem, it's too late. The caribou have already been impacted. So if you're using mobile protection measures on an animal that's already avoiding an area, it's like a dog chasing its tail. How effective is that? So there's nothing...the caribou leave, so there's nothing to worry about, so there's nothing to protect from. So, aircraft surveys affect that. Height of land surveys having human beings during calving up on the height of land can affect where caribou come and how they approach an area. And then there's some research like Belanger et al. that showed a 14 to 26 kilometer avoidance area around mine sites that were not even in calving areas in less sensitive times of the year.
- So all of these things come together to suggest that infrastructure on a calving ground is not mitigatable and it will cause fundamental distributional shifts in how caribou come onto, go off of, and utilize their calving area, which in turn affects their overall distribution and their productivity. Thanks.
- David L: Okay, thanks Mitch. I'm going to draw it to a close at this point. Maybe I'm not going to be able to. First thought, before we go down the table, I want to ask Sharon from the NPC perspective,

the notion of a workshop specific to the caribou issue and the requests of the Chamber sound reasonable?

Sharon: Thank you, David. Should we reach consensus that – and it sounds like there is the desire for the workshop – we would welcome anyone that wanted to participate, same as registered participants here. We wouldn't close that to interested parties so that we would have a good objective baseline from the workshop of information. And any information that is out there - if the Commission doesn't have it currently – the datasets – we would appreciate receiving them.

David L: Alright, thanks. So, boy...where to start. Okay I'll start in that corner, and then we'll just move our way around. Peter, I'm going to ask you to hold until we hear from the others.

Karla: Thank you. Karla Letto with the Nunavut Wildlife Management Board. I didn't speak up earlier in the roundtable, so I just wanted to briefly say that the NWMB is supportive of the position that the RWOs and the GN and GNWT have all put forward about the importance of protecting caribou calving, post-calving grounds, and key access corridors.

I don't have the 35 years' experience that Mitch had, but in my two years here in Nunavut, I have heard from many Inuit the importance of this. I think that it is something that is supported by both science and IQ. In 2013, the NWMB held priority workshops with the three Regional Wildlife Organizations that had representatives from every HTO. I'd like to say that at all of those workshops, the importance of protecting caribou calving grounds was brought up as a major concern and as a major research priority. So I think it's something that is felt by all the communities.

In terms of the workshop that has been coming up here a few times, I wanted to point out or just let everyone know that the NWMB has recently decided to hold a caribou workshop, so we may have something we can talk to the NPC about further and talk to other people here about who would be interested to be invited. But the goal of our workshop is to talk about updating the caribou protection measures and reach kind of a consensus that most parties agree on. So maybe we can talk a little bit more about that with the NPC.

David L: I'd certainly encourage that. Thank you. Henry I think you were next.

Henry: Thank you again. I know caribou in Nunavik declined very much one time, but we still go out caribou hunting. This one thing that I would like to say, we can do a lot of things with caribou management. Becoming an Elder myself, I know that when caribou are pregnant and they're calving, we try to tell the younger people not to catch caribou when they're calving, when the newborns are coming out at this time. We try to tell the younger people not to disturb the caribou that are pregnant too much just before the newborns are around. It seems to work sometimes, very much, even though there will be some caribou being killed, one but not more than that. Now I see today, when caribou were coming up to calve in our area, there was hardly any caribou hunting if we haven't seen caribou for a long time. This season when they are calving, instead of protecting the area, protect the caribou that are calving. Don't protect the area; protect the caribou that are calving. Tell your children not to kill caribou when they're calving. That's what we try to tell our children. That's mature hunters in our area, even if there are laws or bylaws or whatever kind of legislation. Tell your people when they're calving, don't

shoot them. It's only just a matter of time, that short time, one to two months that you will be able to catch them again. I just wanted to say that. Thank you.

David L: Thank you, Henry. So who was next...Rosanne?

Rosanne: Thank you. Rosanne from the QIA. I just wanted to elaborate a bit on our position that we put in our submission, and I had a question for the Planning Commission. The Qikiqtani Inuit Association is in a bit of a unique position, because there is no caribou data in the Land Use Plan in this region. There is caribou data in this region, but it's not in the...the baseline data is not sufficient to be in the Plan. So, first I guess I would just like to look to NPC to comment on how the information would be included in the Plan when and if it became available. If the protection measures that are determined through this process – whatever they may be – if those would be applied automatically, or how that process would go through when it is available? And if you've, I guess, thought of how that data could be collected or – and I guess this might a question for the GN in a sense too, and this might be a process question, but I think there could be a bit of a quicker answer here too as to how we would take into account the lack of data in this region.

Taking that into the consideration that caribou is of great importance in the Qikiqtani region, the moratorium that was placed here on hunting caribou in January, I think, just shows how important it is to protect kind of a vulnerable species at the point. The position that we have is to protect, to have full protection within those calving areas, and that includes the areas of high mineral potential for several of the reasons that I think the GN has already pointed out. We did propose the mobile protection measures in post-calving areas. I think from my conversations that Luis might be the best one to kind of go into more in-depth explanation about mobile caribou protection measures. But we believe that it's important to have a certain level of protection at all times when caribou are present, and that's the criteria or the guts, I guess, of a mobile caribou protection measure that we thought was important to apply in the post-calving areas.

The one thing that I did want to bring up is that in order for mobile caribou protection measures to be efficient, there does need to be a pretty robust and high level of monitoring that comes in place with that. The one concern we have is that perhaps there isn't adequate capacity or resources at this point to implement the measures that would need to come from that monitoring. So mobile caribou protection measures were put in place in the post-calving areas. We would want to see that there are steps in place for that monitoring to happen and for it to exist. So I guess I look to see if the NPC has any comments on my original question about the lack of baseline data in this region and monitoring.

David L: Okay. NPC – Sharon?

Sharon: Thank you, David. I'll answer the first part, and then Peter and Jon will answer the second part. With regards to when new datasets become available, the Plan is a living document. So as new data becomes available, especially in very priority issues such as caribou management, we would add and amend the Plan. We don't have to wait for the every 3 to 5 year cycle for amendments. Amendments can be asked in any time in the review. So it would be added as soon as that information was provided. And in regards to the protection measures, I would ask Jon or Peter, one of them, if they can comment on that. Thank you, David.

Peter: Thanks, Rosanne. You actually led into a question that I was going to ask, which is, I interviewed Dr. Côté at the University of Laval who Mr. Torretti cited about a half-hour ago. In Quebec he estimated that the budget needed to monitor the caribou herds there to a level adequate for mobile regulations was around 1.3 to 1.5 million annually, and he estimated that for Nunavut you'd need triple that. I don't know what the Government of Nunavut budget is, but I don't think it's anywhere near that amount. So, something to take into consideration.

David L: Okay, thanks Peter. Luigi, you had a comment?

Luigi: Thank you, Mr. Chair. Luigi Torretti. Kitikmeot Inuit Association. I want to...one comment and then a question. I want to thank Henry for essentially trying to....for stating what I have been unable to thus far. The area is important because caribou are there. That is the message I got in my region as well, and that's why I find it important to look at it annually. Certainly, there are characteristics in calving grounds that caribou go back to. There are characteristics there, but it is the caribou that we need to protect. That's one of the reasons why the KitIA has been a little bit more focused on the mobile measures rather a polygon delineation. So, the area is important because caribou are there.

The second is I want to follow-up, kind of the flip side of coin, the question that Mr. Buchan asked, and specifically to the Bluenose East. If I understand correctly, the Bluenose East, the population has been declining steadily. That's the information that I've understood. Can the GN or the GNWT speak to the calving ground productivity for that herd and can you speak to the impacts in terms of developments or nearby developments that could impact that herd?

David L: Alright, do we have a volunteer? Jan.

Jan: Jan Adamczewski with GNWT. I'll try and answer the question. First just a comment on the mobile protection measures, because it's kind of a seductive idea that you just protect the caribou when they're there. But particularly with the Bluenose East herd – because I've been on multiple surveys and, you know, looked at the collar data – the main calving area is in the Rae and Richardson valleys just west of Kugluktuk. But we've also found that the collared females, cows with calves, can be in there in the middle of July. They may be in there for a good part of the summer. So if you sort of say, "Well, we'll just stay away when they're on the calving ground," but if you build the infrastructure, you still affect them through a good part of the summer. In terms of the herd's population trend, we just did calving photo surveys – Bathurst and Bluenose East. Mitch was part of the crew, quite a large contingent. We won't have those numbers until sometime in the fall, but yes, the trend is downward based on reconnaissance surveys. The calf recruitment numbers have not been super bad but consistent with the declining population. So that's the basic trend we're seeing with that herd.

David L: Luigi, and I don't want to prolong the debate, so...

Luigi: No, no, just and I specifically asked about development in that, so I just wanted to point out.

David L: Jan, any follow-up?

Jan: My apologies, Mr. Torretti. Jan Adamczewski again. I don't think at this point that we see development as having had that much influence on the Bluenose East herd. There is a proposal

by Tundra Copper for the calving ground, and a number of people have been involved in that. We believe a lot of the decline has been natural causes, and harvest has probably contributed to that, particularly as the herd has reached lower numbers. Thank you.

David L: Okay, Barney you had a comment.

Barney: Thank you, David. I just wanted to comment on KIA and Henry's comments there. Our generations were also taught in the seasonal hunts of the caribou, and we do follow what our Elders say. There are certain times we catch the bulls and certain times we catch the females. That's probably one of the reason the Qamanirjuaq herd has been thriving throughout these decades throughout our culture. It's not just that we have to protect the caribou. It's the fact that we have to protect the land they are living on too. What they eat is going to affect the herd, and the air pollution. Those are all the aspects that we have to look at and keep it as pure as we could. We do understand that we have to protect the caribou, and in one of the ways we will do that is protecting the land also. Just wanted to make that comment. Thanks.

David L: Thank you. Okay, I'm going....We will follow-up in more detail unless it's really significant....alright, short and sweet and that'll be the last comment on caribou. I'm saving David Boote's and my recommendations.

Mitch: First, our recommendation was from 2014, so it's not a new thing. The second – I'm doing it as quick as I can – I just wanted to follow-up on Barney that protecting just the caribou is the problem. We need to protect the caribou and the habitat the caribou is on. And that's the key. Thank you.

David L: Thank you. So here's the thing. It's now 5 to 5:00. We're going to break at 5:00. I hate to say it, but I think we're going to have to get back together at 7:00 tonight. We're not done with Chapter 2 – we're not even close I suspect, so let's resume this at 7:00, and we'll carry on with the next section in the chapter. I think what is the key next step is a workshop. I mean, frankly there's a predominance of opinion in the room that the calving grounds need to be protected, but it's not a consensus. If a workshop would help move that discussion forward, I think it would be time well invested. Certainly the mobile protection measures need to be reviewed and amended. I have had some experience with those as well, and they are far from perfect. I think we are all struggling with how to protect caribou when they're not on the land that is so sensitive, and then protect the land that really is crucial. So, I'm going to suggest that the Wildlife Management Board, NPC and whomever else - NTI, Government of Canada, and GN - and GNWT too if you like - get together and decide on when and what a workshop would look like. Hopefully you can report back to us later in the week as to what recommendations you would have. I think I overlooked the Government of Canada maybe once or twice. Did you have anything to add in this?

Spencer: I guess it was just your final comment. It's Spencer from the Government of Canada. Do you want the workshop to occur and we'll report back recommendations by the end of the week?

David L: No, no. Ideally sure. No.

Spencer: Because we're already busy.

(Laughter)

David L: I want a plan for the workshop and some dates if you can manage that. So I'll turn to David Boote, and I'll ask people to return here by 7:00 tonight.

DB: Okay, well I'll be quick. Maybe we can take stock of the whole chapter, perhaps, once we are through the discussions. But as David said, there needs to be follow-up amongst the parties about when and how further discussions on caribou should occur, and maybe keeping in mind the need for the sharing of further information and data that some the points that were raised in the discussion this afternoon in advance of any gathering.

I think before we got to the caribou, I think there was some clarification by the Planning Commission on areas for bird protection, the various legislated ones and the ones that are put out in the Plan – proposed in the Plan - based very clearly on the information provided Environment Canada, and I think the data and the...using Environment Canada's high and moderate classifications for impact on bird habitat, you know, is quite....it's quite a good example, I think, in the Plan of the using data to translate it into the designations - different designations and different prohibitions on uses in both of those designations.

As NTI was following up on a number of questions about the differences between the wildlife bird sanctuaries and the areas designated in the Plan, I think it's good to have that discussion and an understanding of the differences. Those differences were stressed by Environment Canada. I think the other point that is, I think, quite important again for a workable Land Use Plan is the point raised by the Government of Canada about how setbacks feature into conformity determination. I think it was agreed that the Planning Commission and the Government of Canada can get together and have a follow-up discussion on how that can actually work. Because, again it's in the theme of making this Plan work without...by trying to avoid uncertainty and both with respect to the staff having to apply measures suggested by other parties and also, of course by proponents. I mean, it's very important. I would suggest to sort that out, and I think it can be from the quick discussion we had. And then the last point of clarification of restrictions on shipping, I think it was important to point out in response to the question about the WWF about how communities...community consultations informed the restrictions in certain areas as opposed to other marine areas in Nunavut. So I think that was my sense from the subjects not associated with caribou.

David L: Alright, thank you David and thank you everyone for your patience. Unfortunately for your indulgence later on tonight, see you at 7:00 to those of you who can return.

Break

David L: I'm looking at Chapter 2. We've done Key Migratory Bird Habitat. We've done Caribou Habitat to the extent we could. So there is Polar Bear Denning Areas, Walrus Haul-Outs, Marine Areas of Importance, Atlantic Cod Lakes, Transboundary Considerations, and then Climate Change. I'm hoping that we can be done maybe by 8:30. But as I say, we'll wrap up by 9:00 no matter how far we are along. Jonathan, please?

Jonathan: Thank you very much, David. I'd just like to confirm that we completed caribou calving and post-calving areas, but we didn't discuss caribou sea ice crossings, which was a separate issue.

David L: Yeah, I think we can include that in the workshop planning. I don't know that we need to go back into caribou now.

Jonathan: Okay. The next issue then is Section 2.1.3, Polar Bear Denning Areas. As an overview in the previous round of comments, the World Wildlife Fund recommends seasonal restrictions for polar bear denning areas. We did not have any dates at that time with which seasonal strictures would apply or what they may be. The North Baffin and Keewatin Regional Land Use Plans identify that the activities should be restricted near polar bear denning areas. The current Draft Plan has relied on polar bear denning data provided by the Government of Nunavut, Department of Environment. The designation that's applied is a Special Management Area that includes direction to regulatory authorities to mitigate impacts on polar bear denning areas and identifies the area where cumulative impact concerns may be noted.

For reference, there was one known issue. I just wanted to mention. The polar bear denning line from the North Baffin and Keewatin Land Use Plan has not been identified in the Options and Recommendations document. That's an error. They're mentioned in concert with walrus haul-outs, and the reference only made it into the walrus haul-out section.

In terms of comments, we didn't receive a wide variety in terms of polar bear denning areas. The Qikiqtaaluk Wildlife Board did identify that polar bear denning areas are very important and perhaps should be considered as Protected Areas in this Draft Land Use Plan, but there were no specific requirements as to what a Protected Area might entail. So that's a quick summary of what the Plan attempts to do for polar bear denning area, and we'd invite further comments.

David L: So, any additional comments, concerns? Bert? Luis and then Bert.

Luis: Luis Manzo, Director of Lands, Kivalliq Inuit Association. Thank you, Mr. Chairman. I just want to emphasize in the same section. Such a designation in Keewatin Land Use Plan, page 45, such a designation is actually to have some sort of restriction. The land use plan called for no (?) Coral Harbour. So it's written there. It's how it is being used in the land use plan. And this is some of the things to put in your land use plan. We hope to see it there from the Keewatin Land Use Plan to the new Land Use Plan. Thanks.

Jon: Thank you, Luis. I'm not clear on what aspect of the Keewatin Land Use Plan you were referring to.

Luis: In regards to designation of wildlife, the areas support wildlife area, in the Coats Island and Coral Harbour. So, if they became designated there should be effective management according to the Keewatin Act or Keewatin Land Use Plan and should be negotiated with the Coral Harbour people. Thank you.

David L: Okay, I guess the comment is noted. Bert.

Bert: Thank you, David. I'll sort of pass this to the Regional Wildlife Boards too in case they want to elaborate a bit. But in our written submission, we asked if the RWOs or the NWMB or the HTOs if they had provided additional information that could be incorporated. Because I know for the GN – and maybe the GN wants to comment – but a lot of their research is focused on

population. So they're out either getting biopsies or doing work like that. There hasn't been denning surveys that I'm aware of in quite a number of years. There may be some areas, but it would be dated information, so we would really relying on input from the communities if there are feedback on that information that's there. So again, this is another area we've identified that hopefully we can work together to incorporate that information from the communities. Because polar bears were listed under the Species At Risk Act, they are developing a Polar Bear Management Plans, so there is work being done by the government with the communities on developing that management plan. But, again, in terms of denning surveys or that kind of information – and perhaps others can help me out here or correct me - but I'm not aware of any recent information or recent work that's been done that would say we were really confident with that information we have. So it's just a point I wanted to make. Thank you.

David L: Thanks, Bert. Jennifer, any comment on that?

Jennifer: Thanks for the comment, Bert. This is Jennifer Pye, Government of Nunavut. That's correct. The information or data that we provided to the NPC was the, or is the best available data that we have at this time. I don't have a technical expert with me with respect to polar bear denning or polar bear areas of significance. However, I can say there is ongoing work that is happening at this time. Once we have new data, we will supplying the NPC, of course, with that information once we have it. Thank you.

David L: Thank you. Any – Rosanne, just because I noticed you came in late, a little bit late. Yours – QIA's was about the only comment of substance that NPC received on polar bear issues.

Jonathan: Sorry David.

David L: No, is that incorrect?

Jonathan: It was the Wildlife Board.

David L: Sorry, the Wildlife Board. So I guess my question wasn't relevant after all. Yes, please.

Jackie: Thank you. Jackie Price, Qikiqtaaluk Wildlife Board. I'll start off, and my colleague may want to add just a couple of points. Just to clarify, yes, QWB did recommend that polar bear dens be uplifted to Option 1. We cited the importance of polar bear for multiple reasons at the community level, not only for the hunt, the food, and the clothing, but also to recognize that for some of our communities through the HTO, sport hunts do occur, and this is an important source of income. Polar bears are a specific case in wildlife management because of the huge international interest in the wellbeing of polar bears, although we all worry about how the polar bears are doing. Sometimes our strategies are different than our international counterparts.

So in response to that, we felt it was important to highlight that, you know a high level of vigilance should be provided for polar bears and their denning sites. Just to respond directly to Bert's comments, it's true there is not a lot of current research on denning sites, but I just wanted to mention that we have had an expression of interest from the community of Clyde River to partake in some kind of a community based project for denning sites. It hasn't yet developed itself yet. It hasn't gone into action, as the community is looking for funding and kind of an accurate and effective methodology. But I just raised this point to mention that there are

communities that are interested in this work. I believe that if the space was provided, communities would respond quickly.

I guess this is a good time for me to just mention, I know there has been a lot discussion earlier about questions to NPC specifically about ongoing consultation. My question is not to that but just to highlight to NPC that our role as Regional Wildlife Organizations require – our job is to interact with the HTOs and the HTOs represent within the communities. So I guess I just point that out to say that there is opportunity for NPC to work more closely with the RWOs to get that kind of important information, because for our communities and the organizations we worked with, wildlife and land can't be separated. So in order to help develop, you know, the best 1st generation Land Use Plan that we could have in Nunavut, us as RWOs we're here to work with you and to facilitate and to figure out how best to do it. So I went on. I think that's everything from us right now. Thank you.

David L: Thank you.

Brandon: Thanks, Mr. Chair. Brandon, from WWF Canada. I wanted to thank Jonathan for clarifying something that was lacking in our last submission – some more specifics, and that's taken into account. We are going to recommend at least some denning areas be moved to protected, and that will be reflected in the next submission. But I just want to make it clear that the goal of WWF's conservation measures for polar bears, we're 100% supporting of sport hunts, of traditional hunts. The reason we are pushing for polar bear conservation is to they're there for communities to use. I know I was at a recent polar bear forum last week in the States, and there was some misinformation that WWF – especially WWF Canada - is not supporting of harvesting or sport hunting. I just wanted to make it clear that our mandate and our official position is pro-sport hunt, and that's why we do push for conservation measures. Thanks.

David L: Thank you, Brandon. Ema?

Ema: Thank you. Pretty much echoing what Bert said. Not very aware or concerned about denning areas, as they are to my understanding already protected under management plans. Since I became working for the RWO I never really heard any concerns about denning areas, because they're already being protected in the plans. So, thank you. I don't know what else to add.

David L: Great, thank you. Any other comments? Yes, Henry?

Henry: Qujannamiik. I'll wait for people to put their left or right earphones on. (Henry began to speak in his language).

David L: Henry, can I get you to stop for a sec? We're not getting any English interpretation.

Henry: (*The following was translated*): For us Inuit, we know that with the baby polar bears, we do not look for the denning areas specifically. We do not look for those specific areas. We know of the general area, and the steep sides of the hills. We know the general area, but we do not, we never look for the specific denning area per se. In the past, when we had dog teams those people who wanted to hunt polar bears would never hunt bears with cubs, although we hunt the polar bears on the field, not in the dens. We never hunted...we don't' hunt for polar bears

with cubs. We just know that where they are in general. We do not specifically look for the denning area.

Once in a while, just by chance, if the dogs sniffed it out, they would know where a den is. We cannot specifically say that we know where the dens are. I don't think there's anyone who could say for specific where den is unless they have a dog. It is a difficult thing to study. We know find out exactly when they come out. It's difficult to put a study even though we know the general area, because they come from their dens down to the sea area one, two or three cubs. Once we see their prints on the snow. I think it's like that in most communities. But if somebody wants to study, you have to have a dog for the polar bear. Because there's areas where there's deep snow. We cannot say that they're become extinct, because there are polar bears. We know the path they take from the land down to the sea. They go through the same passageway.

David L: Thank you, Henry. Any final observations on this topic? I guess we'll leave it at that. The Commission has the information it has and will welcome new information as it comes in. Jonathan do you want to move on to walrus, please?

Jonathan: Thank you, David. Walrus haul-outs, while obviously a different issue, is in many ways similar to the polar bear denning areas we just discussed. Again, the habitat requirements for walrus are very specific. There are only certain locations where they can haul out of the water the during open water season. Again, the North Baffin and Keewatin Regional Land Use Plans identify walrus haul-out as important areas where development should be restricted. In this case, again, there is information lacking. But the information that is in the Plan was digitalized by the Planning Commission from Department of Fisheries and Ocean study on the Foxe Basin only. That should be noted. But that is the information we have at the moment. Again, Special Management Area designation was assigned, which includes direction to regulatory authorities to mitigate impacts on these areas, and again identifies cumulative impacts concerns.

And again, similar to polar bear, one comment that we had noted was from the Qikiqtaaluk Wildlife Board identifying that it should be an Option 1 protected area, the same as polar bear. So I'll stop there and see if there are any further comments.

David L: Thank you, Jonathan. Any follow-up from Qikiqtaaluk?

Jackie: Sorry, I'm sitting over here working on my tan.

(Laughter)

I'll take a break from that and I'll share some thoughts on walrus. Thank you, Mr. Chair. From the Qikiqtaaluk Wildlife Board perspective, we felt it was important to request that walrus haul-outs be uplifted. As we mentioned in our submission for the last number of years – five to seven, communities of the Qikiqtaaluk region have been working with DFO on developing a new Walrus Management Plan. A large part of this plan has included inviting representatives from the 7 communities to discuss management options, to discuss IQ, and a variety of other matters. In the course of this discussion, communities often mention that haul-out sites specifically are very, very vulnerable to any environmental changes. Especially concerns were raised for the walrus sites within the Foxe Basin, as that's probably the largest area in this region to hunt walrus.

The importance of walrus – especially for Foxe Basin – cannot be underestimated, not only for cultural reasons, but also economically and an important food source for the region and the territory as a whole. Again, this is based on community concerns, concerns raised by the HTOs, and it is something that communities are working closely with DFO on this matter. We are aware that DFO has conducted a number of surveys over the last couple of years. We could talk another time about some of the concerns communities had about that, but again, just to emphasize that walrus haul-out sites are very important for those communities. Thank you.

David L: Thank you. Yeah, Henry.

Henry: Okay, I'm going to save you some time without putting the microphone on. *(Audio switched off. The following is an approximation)* I do a lot of walrus hunting in fall time – four and five communities sometimes. When you're thinking about making some changes in this area, it would be very helpful for us to be notified of what you're going to do because we've been going there for so many years, even before you were born, all of you inside this building. It is important to keep walrus hunting open. If there has to be something done to this area, it would help let us know what you want us to do.

David L: Okay, thank you, Henry. Anybody else? Yeah, Rosanne.

Rosanne: Thank you. Just really quickly to respond to Henry's comment: QIA, NTI, and Makivik have had kind of brief conversations before this meeting, and we said that we would follow-up between now and kind of the next, on those areas of joint occupancy. And I believe that Makivik also submitted a comment to the Commission during this phase of the review. So I just wanted to mention that we will be discussing with them further about those areas of joint occupancy. Thanks.

David L: Thank you. Any other points of interest regarding walrus and walrus haul-out areas? Ok Jonathan. Whoops, sorry go ahead.

Leah: Thank you, David L. Leah Muckpah, Regional Coordinator for the Kivalliq Wildlife Board. Speaking about walrus. I have one issue that was tabled by one of my HTOs. Coral Harbour – and this is in my written submission but I'll just read it out – Coral Harbour has raised concerns with the proximity of shipping routes to their main walrus hunting grounds despite the NPC's proposed designation of Walrus Island as a protected area. This is in the O&R Options and Recommendations, page 66. This came from several hunters, and it came up quite often. They have a hunting area south of Coral Harbour where they go out walrus hunting, but they've addressed shipping as a major concern, disturbing walrus south of Coral Harbour, but it's still in the Foxe Basin subpopulation area. I thought should put that out there. Thanks.

David L: Thanks, Leah. And do they have any recommendations about that traffic? Setback, anything like that?

Leah: Can you repeat that?

David L: Well, you said that the hunters have expressed concern. I'm just wondering if they've had any specific recommendations. I haven't read your submission, so it may be in there. I'm not sure.

Leah: They wanted protection even though it's in Draft Land Use Plan. They wanted to emphasize protection of the walrus hunt area.

David L: So they're proposing it as a Protected Area?

Leah: Yes.

David L: Okay. Jonathan, do you have any comment, question?

Jonathan: Yeah, I'll just clarify that the area was identified through community consultations with Coral Harbour as an area of importance. And the island itself is designated a Protected Area where industrial activities generally are prohibited. And I believe the concern from the HTOs in the Kivalliq region is in regards to shipping around the island, which hasn't been incorporated in the Plan.

David L: And can I be so bold as to suggest or ask what might you do with that recommendation that something be done to address the potential effects of shipping? Is it...I mean, how would you propose to respond to that, that concern?

Jonathan: It is certainly noted, and will be considered whenever revisions are proposed. The issue of restrictions on shipping, as I think there are additional comments that aren't springing to mind but other people have raised concerns about other community areas of interests and restrictions on shipping and cruise ships, and Moffet Inlet and somewhere else in Foxe Basin. So, hearing that the concern is similar in regards to shipping, it would make sense to treat them in a consistent fashion.

David L: Alright, thank you Jonathan. Sorry for putting you on the spot there, but it was kind of just left hanging. Any other comments? Concerns? Luigi.

Luigi: Mr. Chair, if I can ask for a couple of minutes just to discuss a topic with NTI and the other RIAs. Is that okay?

David L: Yeah, sure.

Luigi: Before we leave the subject in other words.

(Pause)

David L: So, Luigi, having caucused, do you have anything you want to put on the record? Please go ahead.

Naida: To summarize our discussions, and listening to Leah's submission and your question, I think the issue comes up again to consultation. Obviously, the DFO data was a good start. They have provided the data that you have around Walrus Island. It seems to us that you went back to Coral Harbour with the data the DFO provided in that designation, that more than likely they'd have adjustments to that boundary based on how they use the area and issues with the marine

portion of it. So we want it noted that it's good that that's coming out at this meeting. But to further refine that boundary really, communications with Coral Harbour are necessary.

David L: Thank you. Last call on walrus. Jonathan.

Jonathan: Sorry, just a quick follow-up to note that in the specific example we were just talking about in regards to Walrus Island that was identified through community consultations. It's identified as a Protected Area, not as Special Management Area, which the DFO areas were identified as. So it's a separate issue that we segued into on the discussion of walrus.

David L: Okay. Good, good enough for now at least? Alright, where are we here? Marine Areas of Importance. Jonathan, please.

Jonathan: Thank you, David. Section 2.1.5, Marine Areas of Importance: There are two subsections in here, the first of which is ecologically and biologically significant areas. These are broad general areas that have been identified by the Department of Fisheries and Oceans as being important, ecologically and biologically, but there was no policy guidance on the management of these areas. They are broad, generally important area that DFO wished to see identified in the Land Use Plan. With that being said, we have designated them Mixed Use, so they do not appear on Schedule A. They do appear on Schedule B with direction to regulatory authorities to consider the importance of the areas. I guess there have been some comments in regards to these EBSAs, but I did not have any questions in regards to them.

David L: Any comments from anybody in the group? Oh, please.

Mishal: Hi, good evening. My name is Mishal Naseer. I'm with the Nunavik Marine Region Planning Commission. I have a question for the NPC. In determination of these EBSAs, we ourselves – the NMRPC – is also launching a Marine Protected Areas Project in conjunction with our wildlife board, and we are wondering if there is a way to kind of combine that process. I mean, we don't know what it would look like in your Land Use Plan at this point, because as you said, it's not fully defined. But would there be some kind of collaboration effort that could be undertaken on this matter? It's just a question I wanted to bring up. Thank you.

David L: Jon? Jonathan?

Jonathan: Yeah, I guess it's a process question that I guess I'm not prepared to answer in terms of what collaboration we would pursue. We have no current plans to further refine and investigate these EBSAs. Fisheries and Oceans has advised us that there are areas where additional research is required to identify more specific management in those areas. We have not had any discussions with DFO or anyone else about pursuing research in these EBSAs. That being said, if you are pursuing that type of research, we do share a significant boundary, so you could imagine collaboration being productive.

David L: Thanks, Jonathan. Anything else? Yeah, please.

Jackie: Thank you again. Jackie Price, Qikiqtaaluk Wildlife Board. In our submission to NPC, we raised just a number of points for consideration, but for just for our conversation right now, I just wanted to – or QWB would just like to highlight that areas of marine importance, a lot of that

would overlap with community areas of interest. Just as this Plan develops, it'll be interesting and important to maintain a consistency between those two areas, where I feel at least if we look at the Foxe Basin area, which is an area that Igluligaarjuk raise as an area of community importance. I think that qualification would fall naturally in the area of marine importance. Thank you.

David L: Thanks, Jackie. Any other comments? Alright, we'll call it on that and move to Atlantic Cod Lake....oh, Polynyas. I've got a different...okay, polynyas then. Sorry.

Jonathan: Thank you very much. So the next area of Marine Areas of Importance deals with polynyas in particular. In the previous....*(audio switched to translation temporarily)*...are included in other designated areas, key migratory bird habitat in particular, an area in Foxe Basin that was of community interest. That being said, a Mixed Use designation was applied generally to polynyas, similar to the EBSAs previously, which provides direction to consider impacts on these important areas. I, again, didn't have any comments that I had noted that we required clarification on, but open for comments.

David L: Any comments? Anybody? Alright, oh sorry. Go ahead please.

Mike: Mike Settrington with Environmental Dynamics. I'm here on behalf of Baffinland and the work that we've done in the marine environment for the project. So, polynyas are one thing we considered both for shipping and then specifically for effects on marine birds and the environmental affects assessment for the first project. I'll refer to that as the FEIS. So, Baffinland doesn't at all question the probable ecological importance of polynyas to marine mammals, marine animals. Polynyas, I think, were first identified for their ecological importance in the Canadian Arctic by Ian Sterling in the early 1980s. And in his publication on polynyas, he identified the need for further research to determine what in polynyas are at risk.

Canadian Wildlife Service in 2004 published their key marine habitat sites for marine birds. And in that publication, they had a map of known polynyas in the Eastern Arctic and Nunavut in particular. There were further citations to work for polynya identification, and then as part of Baffinland's work, up to 2012 looking at the shipping route through Foxe Basin and Hudson Strait, Baffinland conducted an analysis of polynya-like features in Foxe Basin. Similar to how the level of detail of information used for caribou areas, data for polynyas was gathered from 1991 to 2011. Then I believe as a part of the submission from the World Wildlife Fund to the Nunavut Planning Commission, that's what I tracked the database to. There was a spatial database of polynyas provided to the Nunavut Planning Commission that's part of maps.

Well my observations show that those polynyas actually don't match any of those above data sources. And in particular, there are polynyas identified in the Hudson Strait. The entire northern part of Hudson Strait is identified as a polynya. So maybe we need some clarification on the data. Even though they're not identified as Option 1 protection areas, it would seem to be a waste of effort to focus a lot of our mitigation and analysis efforts that either don't exist or perhaps focus on interactions that may not have any effect. So this is a case where we have to make sure that we're using the right data to identify the right areas. And as far as we can tell right now, they aren't the right areas.

David L: Thanks, Mike. Jonathan? Sharon?

Sharon: Do you know where the right areas are?

Mike: The best information that Baffinland has, again is the Canadian Ice Service data from 1991 to 2011 that was published in an appendix to the FEIS, which is on the NIRB website. So from a Baffinland perspective, that would be the data. But again, I question where the data comes from for the Nunavut Planning Commission, because it doesn't match any of the other sources that I mentioned.

David: Jonathan, any response?

Jonathan: Sorry, if I understand, the data provided by WWF is inconsistent with the sources that they reference in their submission?

Mike: I didn't go into detail on that. I did look at several of their references. But by way of example, I could show a figure showing Environment Canada's data on polynyas versus what the Nunavut Planning Commission is using. I have a map figure of that on my computer. I could show that as a quick example of why I question the areas that the Nunavut Planning Commission is using.

Jon: Yeah, we appreciate that there are different maps of polynyas out there. We used as information – as far as the Plan says – information that was provided by WWF provided in 2014. And I am unaware of exactly what went into that dataset.

Brandon: The last thing we would want to do is put forth misinformation, so I'm really happy to work with you to rectify that. I don't know off the top of my head. I wasn't around when that was submitted, I'm but happy to follow-up with you about that and make sure it's rectified if there was an error.

David L: Sharon?

Sharon: Thank you. Mike, if you can share the data with the Commission, we would be...we would take that and review it. We would appreciate if you can give it to us.

Mike: I'm Mike Settingington on behalf of Baffinland. Yeah, we can submit the appendices that were submitted as part of the FEIS and, and then I can provide the Mallory and Fontaine 2004 publication from Environment Canada. There are several other references as well too that World Wildlife Fund made, but perhaps we can work together as a three-way party on that.

David L: Thank you Mike. Just, Government of Canada, do you have anybody from Transport Canada available to you, or the Ice Service folks?

Spencer: Yep. We do have representation for Transport Canada.

David L: Okay, well it might be wise to include somebody with a direct access to the actual remote sensing data and get them engaged in this discussion.

Spencer: Okay, we'll see what they have. I mean, the Government of Canada, in our submission, we also...we're interested in the how the designation around polynyas was collected. We were

interested to hear what NPC had and where they received it from so that we could make more informed feedback on it. So, that's part of our submission.

David L: Okay, well I guess what I'll do then is leave it in NPC's hands to follow up with the various parties, but clearly it is important to get the most accurate mapping possible, and it sounds to me like there is some question about which maps you should be using. I'll leave it to you guys to pull it together and come up with something that is as accurate as possible. Any other comments?

Henry: Qujannamiik. Thank you. On polynyas, I've been living up North and thankful for quite a long time. And when I was a boy, these polynyas used to be open all the time. Now when I got a little bit older, these polynyas, as I know, sometimes they close. I don't know for how many years. So what kind of data do you have, questions you have about polynyas. I don't know. Maybe because the currents are weaker, I don't know, or the weather is colder, I don't know. But sometimes they're open. Sometimes they're closed. I don't know for how long. I haven't seen some polynyas that are open for a long time. Just wanted to say that. Thank you.

David L: Thank you, Henry. Any other comments? Okay, so according to the Table of Contents – I'm using the Land Use Plan - the Atlantic Cod Lakes is next. I don't know if that lines up with your plan. Jonathan?

Jonathan: Apologies. I'll turn the mike on. Atlantic Cod lakes in general were identified in previous versions of the Draft Plan, but have now been removed from the Land Use Plan. They appear in the Options and Recommendations document as a record of the decision. But my recollection is that they were under consideration through the Species At Risk Act, and DFO advised us that was no longer proceeding and they were not an issue that was raised prominently by communities. There was seemingly little priority given to that issue. So we have designated them Mixed Use in the Land Use Plan, and they don't appear in document itself.

David L: Alright. Thank you, Jonathan. Any comments? Concerns? Observations about the disappearing cod lakes? Alright, then Transboundary would be next.

Jonathan: Thank you very much, David. The Land Use Plan deals with transboundary issues in two different ways, one for impacts in the Settlement Areas impacting lands on the other side of the boundary; and the opposite of that, of land use occurring on the other side of the boundary impacting the Settlement Area.

In regards to the first example, the Great Bear Lake watershed has been identified in the Sahtu region of the Northwest Territory as an important area in their land use planning that assigns protection measures to that watershed for its importance. A small portion of the watershed lies in the Nunavut Settlement Area, in the Kitikmeot region. So in consideration of these potential transboundary impacts on an identified important area on the other side of the border, the Land Use Plan assigns a Mixed Use designation, so all uses would be permitted. But again it assigns direction to regulatory authorities to consider the impacts on the adjacent area.

One comment that was received from the Government of Nunavut was that that concept should be extended to all watersheds along the Settlement Area boundary. I'd just like to note in response to that, the Land Use Plan has being developed since 2009 to focus on priority issues.

So recognizing that impacts can go across the boundary both ways, both examples here do focus on priorities that have been identified. So the specific Great Bear Lake watershed that's on the other side in the Sahtu region has been given consideration, but not every watershed that shares the border has been assigned such a direction to regulatory authorities.

Now, for the opposite example of activities occurring in neighboring jurisdictions impacting the Settlement Area, we have again assigned direction to regulatory authorities or to government I guess in this case, to requesting that the Impact Review Board screen and review projects in adjacent areas. Those – sorry I think I was reading a GN quote there. The direction to regulatory authorities applies to hydro development and oil and gas activities, which are two land uses that the Commission has been notified of being concerned – the hydro development in the Hudson Bay area impacting polynyas etc. in the Sanikiluaq area, and oil and gas occurring, for example, in the Davis Strait. Again there was a GN comment to generalize that to all land uses, and the intent of the Plan was to focus on priority issues that had been identified rather than a generic notification that this could be done for all projects.

David L: Thanks Jonathan. Any comment from GN on Jonathan's overview?

Jennifer: Thank you, Jonathan. Jennifer Pye, Government of Nunavut. With respect to the transboundary resources for watersheds, the GN's comment comes from a place – and the Plan mentions itself - the concept of watershed planning and considering these large areas for their importance to many different factors. So our recommendation is just that all of these important transboundary watersheds should be included for their importance to potentially impact within Nunavut or vice versa in other jurisdictions. With respect to....sorry...transboundary considerations....sorry. The GN's comments simply asks that the Plan remain consistent with the legislation, the direction that's provided within legislation, so we had asked that – you know, there is potential for additional projects in addition to oil and gas potential and hydro development to potentially impact on the Settlement Area. As such, the statement in Plan should be expanded to include the language that's seen in NUPPAA. Thank you.

David L: Thanks, Jennifer. Any response? Okay. Not that it makes any difference to the transboundary discussion, but Jonathan you should know that - and the Planning Commission I suppose should know that - with respect to the Great Bear Lake watershed within the Délne district, that has been nominated as an international biosphere reserve through the UNESCO process. It doesn't change anything in terms of the regulatory context or the land claims agreements or anything else. It's a designation that recognizes a sustainable development approach that's exemplary. So in terms of the transboundary linkage between Nunavut – well, Nunavut's share of that watershed – it does add a little...it underscores a little bit the importance of watersheds and in particular this one. Alright is that it for trans...please.

Mishal: Hi. Michelle Naseer from the NMRPC. I just need a clarification from both GN and NPC what Jonathan just stated. So you stated that there should be greater oversight undertaken by Impact Review Board in terms of projects or activities with might have transboundary impacts within the Hudson Bay area? And you were quoting GN, but GN is saying that's not what they meant. I just want to get a clarification. What was the actual...what was the recommendation by GN?

Jonathan: Thank you, this is Jonathan. I guess government has the ability – I'm a bit shaky on this - to request the Impact Review Board to review the impacts of projects that are occurring outside

the Settlement Area for impacts on the Settlement Area. The direction in the Land Use Plan is to encourage government in these specific instances where we've been notified of concerns to encourage them to engage with the Impact Review Board in those instances that we've been notified that are of concern. The comment from Government of Nunavut was that the ability or option exists for all categories of project proposals, and the language in the Plan could be revised to reflect that.

David L: Jennifer.

Jennifer: Thank you, Jonathan. That is....That is correct. That is our recommendation that the language in the Plan be generalized to include all projects that may have an impact. Thank you.

David L: A comment from NIRB?

Tara: Thank you, and I apologize for the quality of the statement. So the Government and the Regional Inuit Associations would be able to make those referrals to the Nunavut Impact Review Board, but the NIRB would also encourage that the language be clearer as to what the transboundary concern was. So is it a referral based on watershed, wildlife issue, fish, marine habitat issue?

Second of all to, you know, maybe be clear or keeping in mind while we're finishing and polishing this Plan off that not only identifying the Hudson area that has been talked about here, but the major areas that could be referred to the NIRB for most transboundaries would be helpful. And then finally again, with the blue box noting, referred to the NIRB for screening and to review, I'd suggest keeping the language open, because part of the NIRB's expectation in providing a screening decision is to determine whether or not a review is required, so it wouldn't always be referred to review necessarily. It depends on the screening process, so just keep the language open there. Thank you.

David L: Thank you, Tara. Yeah, thank you.

Jonathan: Yeah, thank you very much, Tara, for the clarification comments. Appreciated.

David L: Alright. Any other comments, observations on the transboundary stuff? If not, over to you again, Jonathan.

Jonathan: Thank you very much. Section 2.3, the final section of Chapter 2 is in regard to Climate Change. Now this issue has been recognized and acknowledged by numerous participants as being important. However, at this time, the Planning Commission has no agreed upon terms or condition or direction with which we can incorporate into the Land Use Plan. So there is currently a direction to regulatory authorities, again to consider the Commission's objectives, I believe, on climate change. There have been some comments from the Chamber to clarify that we appreciate. There have been some comments from the Government of Canada, again providing clarification on this, and I don't have any questions in regards to those comments.

David L: Anybody have any observations? Please.

Andrew: Hi. Can you hear me? Andrew Dunford, NTI. I guess...we didn't raise it in the submission, but it was in our initial letter indicating that there was a lack any type of action towards climate change in the Plan's initial draft or in the follow up or in any of the previous iterations. The Commission's objective it says in Climate Change here in 2.3 is to 'control and minimize greenhouse gas emissions, monitor climate change impact, encourage the development and adoption of adaptation strategies, and consider issues relating to the changes in landscapes due to climate change, such as the loss of glaciers,' and I guess permafrost and the like. In the Plan, in the Options and Recommendations – again like you said, it says defer to regulatory authorities, but nowhere in the Plan does it address the Commission's requirement to meet that objective.

There was really no forum for many of these, I guess, decisions that need to be made, to be presented to the Commission for any of the bodies. Like my question kind of relates to all that, and how does the Commission plan to incorporate just like basic existing climate information about monthly averages, max-minimum temperatures, you know average conditions in the area. A number of extreme weather days...you know the average wind, you know sun exposure, stuff like that that would be absolutely useful for long-term planning?

And the other consideration is like how will the Commission use projected changes into the Plan, like there is a lot of data out there that indicates a change will occur in a specific pattern or a certain trend. Things that will happen are like areas that are sensitive to change like permafrost areas changing, you know infrastructure would be at risk, and then changing water tables, and like lakes disappearing. I don't see any of this addressed in the Plan, and I'd like to ensure that all potential development has this readily available with their considerations. How does the Commission plan on addressing these deficiencies?

David L: Sharon?

Sharon: Thank you, David. Well, we, the Commission really appreciates the detailed engagement now. And I guess for the record, our consultation record is public. The Commission has over the years engaged NTI 47 times of which we've received 18 responses. So, we are looking the information from you, and your ideas and your solutions. We want to move forward and have active engagement. So, there has been a number of questions for information that have gone out there, and we still want to work collectively to move forward with that. We do have a call in to the Vatican by the way.

(Laughter)

Just kidding....on climate change. But you know, these are outstanding issues that we definitely need to have some resolution and some direction and some guidance from our partners. Thank you.

David L: Jason.

Jason: *(The following is translated):* I will speak in Inuktitut. When we are discussing this, we have submitted from QWB to be consulted with. The members have always hunted on the land and that was the animals – they're the ones with the expertise on day-to-day contact with land and

the animals. Therefore, even though...they say should be consulted as to how the wildlife has been affected by climate change. Thank you.

David L: Andrew.

Andrew: Just an observation is that there seems to be a lack of a venue, which this Technical Meeting I thought was going to be, where the bodies would get together and discuss all the ideas. Hash out the best-case scenario and presented it to the Commission. I know for climate change, it's been going on and on and on, and everybody's been working together, but nothing specific for this. And same with the GIS issues and other issues. And perhaps the Commission could come up with a way to, I guess, direct or collect you know. Like it's....if the broad issue was like, "Oh we're making a Nunavut Land Use Plan. Give us information." It needs to be a little more directed. I'd be more than happy to work with the Commission on identifying issues that we can work collectively with. There's lots of information available. It would be interesting to undertake I guess, for all the different sections of the Land Use Plan that haven't been discussed as a group.

David L: Alright, I'm going to call a halt to that conversation, at least in this room. If NTI and NPC can get together and work out a common agenda to address the issues of concern in a way that's productive and move the Plan forward then that would certainly be welcome by all parties. But I've heard enough about the consultation or lack thereof, the communication or lack thereof. I'd just...I would ask that we get back on track and talk about the technical details that we need to sort out. If you do have some communication challenges or information needs mutually, then I'd ask you to get together bilaterally and sort that out. Any other comments on the climate change issue, technical comments? Go ahead, Mishal.

Mishal: Mishal Naseer, NMRPC. As part of...I also I wear two hats. I'm also the Executive Director of the Nunavik Marine Region Impact Review Board, so I deal with the impact assessment of different projects that comes to Nunavik or may have an impact on the Nunavik marine region. I'm wondering, what kind of communication is there between the Nunavut Impact Review Board and the NPC with regard to projects, for example like Baffinland, where part of the project certificate requires some climate change modeling and other datasets that could be utilized within the Land Use Plan context? Thank you.

David L: Sharon, Tara? Either one of you want to take a shot at that?

Sharon: We're not going to comment right now. We'll ask Tara if she wants to. Thank you.

David L: Alright. Please Tara. Thanks.

Tara: Tara Arko, Nunavut Impact Review Board. At least you know I'll be brief. The NIRB's monitoring program long-term is meant to be an adaptive management plan where each year the Board goes through a monitoring cycle. So not only is the Nunavut Impact Review Board participating in some cases in some of these monitoring groups, or at least observing, but the Board provides a direct set of recommendations to the proponent and possibly other authorizing agencies or responsible authorities. And then responses are received or updates received to try and coordinate better or report better to what the Board had envisioned as a mitigation to an impact identified through the review process.

So all of that every year is made available, and the Planning Commission is very much a participating party on our distribution lists to keep up to date on the latest reports from the proponent, the recommendations made by the Board, and any other comments, submissions or discussions from a regulatory authority. Because again, it is not just the proponent that has responsibility under the NIRB's project certificate, but also certain regulatory authorities as well. So it's very much something part of public distribution every year to keep all parties updated, and all concerns entered onto the record and brought in front of the Board at least once a year. And from that, the Board will make a set of recommendations specific to the project and the activities that have gone on through the year.

David L: Thanks, Tara. Mishal?

Mishal: Thank you for that. Actually, my question was more specific to, I mean Baffinland has – I'm just using them as an example because they're here. They've been in operation for a bit. There must be datasets out there that they've collected, or when they were issued their project certificate they were asked to model certain aspects of, you know, for climate change or you know. Just within the specific requirements of their environmental impact statements, they were asked to complete a set of tasks, for example. Is this...and you said that this is communicated to other parties. But when you look at the – when I look at the Plan, it mentions that there's a limitation of data in the planning process under Section 1.4.5. I'm just going back to that, because it says that the NPC wants to set aside some funding to cover that. Wouldn't that also feed into it? Wouldn't that help maybe, like the gentleman from QIA said that there was datasets that were available or more readily accessible, that it would further kind of make this 2.3 more specific in terms of options that it recommends? So thank you.

Tara: Thank you for that clarification. The Nunavut Impact Review Board does focus the concerns of impact and monitoring on project-specific impacts. So in most cases, the data produced by proponents is a result of monitoring identified from specific concerns that come up through the review process. So most of that tends to be focused on monitoring for, say emissions related to shipping activities, that kind of thing.

However, the Nunavut Impact Review Board does also respect that there are other research projects ongoing that are intended to capture a broader picture, and in fact, some of our staff members do undertake specific after hour and separate projects as part of their education and learning, and they can work on committees to try and address some of those concerns. Again, where that is not infringing on the ability of the Board to monitor specific projects. So the Nunavut Impact Review Board is aware of some of that and can participate at certain levels, but the focus of the Nunavut Impact Review Board is really to identify project specific impacts and help ensure that the mitigation proposed in the review process is actually effective once the project is on the ground. Thank you.

David L: Any further follow-up on that by anybody? Any additional comments on climate change from a technical perspective? Alright then we're done for tonight. We'll start at 9:00 sharp tomorrow morning with chapter 3. So thank you very much for returning. I'm impressed with the turnout. And it's been a long day, so thank you for patience and indulgence as well.

DAY 2: JUNE 24, 2015

- Sharon: Thanks for coming back. I know it was a long day but a very productive day yesterday. And today we're going to resume, and we're looking forward to another productive day. David and David, again this evening will advise us if we're on track for our evening sessions. This morning we have our Chair of the Commission with us to say opening remarks so I'm going to turn it over to our Chair, Mr. Hunter Tutu.
- Hunter: Thanks Sharon and welcome everybody. Sorry I wasn't able to attend meet and greet or do opening comments yesterday, but my two kids are up and I just got back on Monday evening from Yellowknife. They came in on the Ottawa flight, so I had to rush to meet them. Hope you can...(audio cut off briefly)... through the participation and engagement from people like you at the table, and I'm very pleased to see that. I hope over yesterday and today and tomorrow that you guys have some very productive, respectful meetings. You know I made the commitment that we all need to work together. We're all together in this and we need to work together to move forward. I hope you guys have very productive, cooperative meetings over the next couple of days. I look forward to seeing the outcomes of this, and hopefully it will be just another huge step forward for the planning process, for the Draft Land Use Plan. Next steps we can try and get this done. But I appreciate everyone for showing up and taking the time to be here and for the input that we need in order to help make this Plan a reality. I appreciate that.
- Sharon: Thank you, Hunter, and we'll turn it back over to the Davids and to Tommy for the opening prayer as well. Thank you.
- Tommy: *(Opening Prayer)*
- David L: Good morning everyone and thanks for coming back so promptly. We've had a few glitches with the audio system, so if it goes down again, you will notice and everything will go silent. It seems we had too many coffee pots plugged in to one circuit. So we'll try to get the coffee ready as soon as possible, and soon as I can I've got a little slide to show in that context. Well, let me just catch up to where we were yesterday. So we did complete yesterday's agenda almost on time, in fact a little bit ahead of time. Today I'm hoping we will be able to avoid working through the evening. We need to break a quarter to 5:00. The Planning Commission has meeting at 5:00. So, we'll see how far we get. I suspect we might be able to make some good progress today. So, I'll turn it over to David to briefly summarize last night's meeting, and then we'll move in to the review of Chapter 3.
- David B: Thank you David and good morning. I thought before I did the summary of our discussions last night, I would make somewhat of an attempt for a little humor. I think David was saying if possible, and we were talking on Monday night about whether there are any planning jokes. It's not what you would think of first with planning, but what the heck. A lot of people are familiar with the NIMBY in the planning world: Not in My Back Yard, as a response to various development proposals. I saw another version of that, which was intriguing, and it was BANANA. BANANA refers to the response from some people perhaps in some situations: Build Absolutely Nothing Anytime Near Anything. So that's the BANANA syndrome. Hopefully that's not what

we're about here. Anyways, so that's my poor attempt at, come on...planning jokes, yeah? Keep looking.

(Laughter)

Anyways, just to summarize the last discussion we had yesterday evening, I just briefly...I just wanted to note a couple of things with respect to the conversation starting with polar bears. The denning areas – the Qikiqtaaluk Wildlife Board in particular was suggesting that the areas have a Protected Area designation as opposed to the current Special Management provision. There was discussion about the data, the currency of data available for polar bear denning. Both the GN and World Wildlife Fund noted there will be some further data provided as available and further comments, I believe, as well on the part of the WWF.

With respect to the walrus haul-outs areas, again the Qikiqtaaluk Wildlife Board spoke about needing Protected Area designations or argued in favor of such. There was discussion about the impact of marine routes on walrus haul-out areas as well. With respect to polynyas under the general topic of the Ecological and Biological Significant Areas, there was agreement for a meeting of the minds and the data between the World Wildlife Fund and Baffinland with involving the Planning Commission staff, to sort out what the issues are with respect to the differing results and the use of differing datasets on polynyas.

With respect to the transboundary discussion, the Government of Nunavut was suggesting a wider application than the current language in the Plan with respect to potential impacts, both within the Settlement Area and outside. There was a suggestion by the Impact Review Board that the language and direction in the Plan be edited somewhat to clarify difference between screening and review to avoid confusion on that front. Finally, on the discussion with respect to climate change, I think the Planning Commission made it clear that they are open to engagement and discussion on concerns and how to potentially add substance to this important area of concern within the Settlement Area. So that's what I've got of the discussion.

David L: Thanks, David. So we'll turn it over to Jonathan again to go through the same sequence of briefing that we did yesterday: just a summary of what's in the section, a summary of comments received, and then we'll open it up for discussion around the table. So Jonathan go ahead, please.

Jonathan: Thank you very much, David. So we're starting off today in Section 3.1.1.1 – Parks Awaiting Full Establishment. We'll start off by noting, of course, that the Land Use Plan does not apply within established parks. So the current Draft Plan identifies Ukkusiksalik National Park and Ward Hunt Island as areas that are awaiting full establishment as national parks. As well, the Plan identifies 4 territorial parks, again outside of municipal boundaries that are awaiting full establishment and assigns a Protected Area designation to those areas, which prohibits the common list of uses throughout the Plan.

The first thing to note is that Ukkusiksalik has since been fully established, so that will need to be revised in the Land Use Plan to reflect it as an area where the Plan no longer applies. In addition, the GN has provided an updated list of territorial parks. Again, as we noted earlier, there was some confusion over the numbers and locations of these areas, and that was based

on the municipal boundary being Mixed Use. We can discuss that further. I think that's all I'd like to note on this topic at the time.

David L: Okay, thanks Jonathan. Any comments, concerns, observations on this one? Sure go ahead.

Luigi: Thank you, Mr. Chair. Luigi Torretti, Kitikmeot Inuit Association. Question regarding the Bluenose Lake area: I guess I'll start off with a pointed question. Is there a land withdrawal on Crown land for this specific park, or proposed park? Proposed?

David L: Jonathan?

Jon: Sorry, we can have this discussion, but I'd just like to note you've jumped ahead a section. We're on Parks Awaiting Full Establishment, and that's a proposed park. Can we finish this topic first?

Luigi: Sorry. I stand out.

David: Any comments on the section that we're dealing with right now? Yeah, Rosanne.

Rosanne: Thank you. Rosanne from the Qikiqtani Inuit Association. So there was an image that we were going to use along with this. It's question 29 in NTI's submission. It's about the parcels – the subsurface Inuit Owned Land parcels in Katannilik Park. Maybe I'll just explain the issue. We were going to have an image – sorry – on the screen here, but I think the projector went down.

David L: Let me...let me buy you a few seconds. I've got an image I'd like to put up. It's one of these I remind myself every morning about – where is it? There you go. As we're waiting for coffee, I apologize for any absent mindedness or short temper on my part. I ain't quite human just yet. (Showed slide: "Instant Human, Just Add Coffee").

(Laughter)

So you can return control to NTI if you wouldn't mind, Peter. Thanks. That's my attempt at humor without coffee. Sorry Rosanne, go ahead.

Rosanne: No problem. I'll try and keep your attention without the coffee. So I'll just explain the situation I guess, because we do need to make slight change probably to our comment. So it's Comment #29 that was in NTI's submission. It was about Parks Awaiting Full Establishment for the Katannilik Territorial Park. This is why I wanted to show the map, because we dug a bit deeper into where the boundaries actually were, and there's an overlap between the proposed - or awaiting establishment, I guess - Katannilik Park and the Soper River Heritage Area. It's actually the Soper...the polygon for the Soper River Heritage Area that overlays with a subsurface Inuit Owned Land parcel. And I guess once we show you the map, the question I guess for the Planning Commission is if it purposefully went over that subsurface Inuit Owned Land parcel, which is that little square in the bottom there. So it's actually the Soper River Heritage River Management Area that overlays with that subsurface IOL, and that was destined for future kind

of development. So we would not want it within the Protected Area designation. So we just wanted to see if that was on purpose or if it just happened to overlay.

David L: Jonathan.

Jonathan: I guess it was done on purpose in that the designation for the Soper Heritage River was meant to apply to the watershed. We thank you for the comment regarding that IOL subsurface parcel, and that can be considered for revisions.

Rosanne: Just to add to that: that parcel is actually excluded from the territorial park, so it would, I guess, make sense if it was excluded from the Protected Area designation as well.

Jonathan: Thank you for the comment.

David L: Yeah...Jennifer?

Jennifer: Good morning. Jennifer Pye, Government of Nunavut. Our technical expert from Nunavut Parks would just like to add to that.

Vicki S: Good morning. My name is Vicki Sahanatien. I work with the Parks Department. Yeah, I didn't realize there was that sort of mapping overlap. I think that's something Parks should discuss with both QIA and also NPC, and I guess revise the boundaries perhaps of the heritage river or discuss whether, you know we need to...Heritage rivers do not preclude mining activity and that kind of thing, so to me it's sort of a mapping area issue as opposed to maybe a substantive issue.

David L: Alright, so I'll leave it to the three parties - or four parties perhaps - to sort out. It's pretty clear what the issue is. Sharon?

Sharon: We have a question on the IOL parcels that were selected. Do you have a consultation record with the...from the input of the communities? We have - maybe Brian can explain it a little more for me - but we have communities telling us different information, so we would like to have a complete record. If you do have the consultation record of how those parcels were selected and the community input, we would appreciate that. Brian, do you want to add anything further?

Brian: I'll attempt to make sense to what she's saying, requesting. You mentioned that certain parcels have been selected or set aside for mineral development. Is there any possible way we get records of those consultations you had with the communities that selected those parcels? We'd like to know how the RIAs and NTI have identified those to be set aside for mineral development.

David L: Just, just for clarification on my part, are you talking about all selected lands? Well at a first step, I would suggest that anything that was subsurface was intended for development, but I'll let NTI address that.

Naida: So yeah, it says in the submission that NTI and the RIAs have put forward that 4 subsurface parcels – and I believe this is a subsurface parcel that Rosanne has brought forward. Predominantly they were selected predominately for mineral development. There are a few exceptions, but as a rule, they were selected for mineral development. There are a few

exceptions, but as a rule, the subsurface parcels were collected – or chosen – for mineral developments. I believe Miguel Chenier can provide more information for that. On subsurface parcels, there is various processes that are happening within in the RIAs. Each RIA would have to have discussions with NPC on those. I think the focus would probably be on the parcels where there's designations and overlap, as opposed to trying to provide a whole report on IOL selection, if that makes sense.

David L: Can I suggest that work be done in concert with the working group that we talked about yesterday to address the incursions, and that as you go through those overlap issues, you clarify what the intent was for each parcel?

Bert: Thank you, David. Yeah, we had just a short discussion with some of the Planning Commission staff this morning, similar to the caribou - the idea or concept of having like a roundtable or some kind of session on the caribou protections measures. This is another possible one that now there are some details, and I know even with the Planning Commission's rules, we want to make sure we are doing everything in a transparent way. That was one of the things Jonathan and I were talking about. But that's something we can follow up on, to see if we can...those areas that have been identified can expedite the process by having that some type of roundtable or some type of process. The timing and logistics of that is another challenge, etc. but we will have further discussions on that and see what we can do.

David L: Okay, thanks Bert.

Bert: Rosanne wanted to add one more thing.

David L: Sure.

Rosanne: Sorry, I'll just add a bit based on what we've been doing on the surface IOL parcels. So there's kind of the original intent as to why the parcels were chosen at the beginning. But the documentation that we have is not black and white in the sense that we could kind of just hand it over so that this parcel equals this. That's kind of what we're trying to do now is as a long-term initiative, go back to the communities and restate what the purpose of those IOL parcels are. But that's kind a reason why QIA has offered to come with the Planning Commission if additional, kind of meetings or consultations are needed – is to clarify those purposes. And as Naida said, it would be easier to kind of identify the designation that needs to be addressed at this point, as opposed to I think identifying every IOL parcel in the region. So we were going at it from a kind of a land use planning vision in a sense: let's just identify where those problematic areas are and then kind of address those.

David L: Anything from the Planning Commission on this? Well, I guess from the perspective of moving ahead as quickly as possible, I think the group would appreciate some sense of when you guys can you get together and start working on this. By end of the meeting, if you would report back and lay out your timetable - that would be helpful.

Sharon: Thank you. We met this morning. Bert has to go back to his team, and I have to check our schedule, but we are looking for as quickly as possible, considering lots of our staff are off over the summer. So we're targeting hopefully the end of August. We just need to check with our

prospective groups, but there's a commitment that we will meet as quickly as we can to resolve these issues.

David L: Okay, any other comments? Vicki, did you have a comment?

Spencer: Sorry, was that...was that meeting Sharon that you just spoke about, was that the GIS meeting? Because I think.... No? Okay, thanks.

Vicki: Vicki here. Yeah, just a small comment. The Soper River Heritage Designation predates the Land Claim and even the territory, so that's why some of that map is out of date. So we will reconcile that with you.

David L: I need a little clarification and I think maybe Spencer does too on this - the GIS versus this most recent discussion. I was hoping that that could be all combined in one discussion.

Sharon: Thank you, David. So the Commission is committed to working collectively with the larger group on the GIS. The caribou workshop, I think there was consensus on that last night as well. And that's coming together. And then there are issues specific with NTI and the Commission that NTI and the Commission are going to sit down and seek resolution on.

David L: Can you share those issues with the rest of us?

Sharon: It's the issues that we've been discussing over the course of yesterday and getting some definitive direction from NTI on their submission and some clarification, what isn't sought here in this workshop.

David L: Bert, can you elaborate a little bit from the NTI perspective. I'd just, I'd really like everybody to understand what NTI and the Planning Commission are planning.

Bert: Thanks, David. As everyone can appreciate, a lot of these issues, there's a lot of history especially in a format like this. Sometimes there can be misunderstandings going back and forth on some of the issues. One of our big points, I guess what we've been stressing, is how to incorporate that consultation with the communities. We also recognize the challenges that are faced in doing that.

With the incursions or overlap on different things that NTI has recently done with their analysis, the Planning Commission has asked for, I guess more information or details or solutions, like how can these be fixed? So we're looking for solutions. How can we do this? We're not just here to complain and say, "This is wrong. This is wrong. This is wrong." We're coming to the table as much as possible to see how this can be addressed and what are areas...or potential solutions to it. The reason I mentioned in terms of process is we want to make sure there is that transparency, and everybody's aware of it. It's just unless we're planning to sit down for 10 days and evening sessions and go line by line, which happens with other processes and there is the ability to do sidebars and try to have the different parties resolve some of these things and then report back to the larger group so there is that transparency.

We're still trying to figure out that process from all the RIAs and NTI. Hopefully I'm okay in saying that we need to get that communication happening. But if we don't get into the details in

this larger group, we need some mechanism to do that. And that's why we've been asking about process and what's the appropriate way to do it, because we're not trying to circumvent any of the rules or procedures? We are trying to find solutions, but again based on the NTI resolution, we were given the task to work with the RIAs and address those, or identify those issues and concerns. So, we're not going to be doing our job if we're not meticulously going through point by point. No If is technical issues – and that as one of the reasons NTI asked for a Technical Meeting - we'd like to resolve those in this forum in a Technical Meeting as opposed to a public hearing where we have five delegates from each community; we have another 135 people in the room, and we're going through a long list of things.

So our goal is how can we work with the Planning Commission and other parties that may have interests in those different areas to identify our concerns? If there are things that can be resolved before the public hearing – and again, that's one of the reasons NTI has been asking for what would the report look like after this technical meeting. Or would there be...what would we be reviewing at the public hearing I guess? So anyways, we're sort of learning as we go a bit, as we work with the Planning Commission to go through this. Because this is first time everyone's going through this for a land use plan. And we're also sensitive that as we repeat some of the concerns, it can get a bit hard to take. I sense there was a bit of frustration at the end of the day yesterday, and we've had discussions about that, how to try to keep the process moving in a positive manner. But we do have to get our points out there on the table, so we're trying to do that as respectfully as possible.

And if there is opportunities to meet with the different groups – and I haven't had a chance to talk to the Government of Canada or to any of the other groups - a workshop on caribou was an approach that seemed to work. I think there's in a few other areas that possibility to try and resolve a number of the issues so that we are prepared for a final hearing. And it's something that the communities can comment on and be prepared for, and it's not NTI or the government departments or other agencies doing all the talking and the community members just sitting there. It's more of a chance or a process for them to participate in. So hopefully that explains the goal we're trying to reach.

David L: Yeah, and I appreciate that. I guess I'll echo what Sharon said yesterday morning. Ideally this is a plan that's everyone's plan. It's not the Planning Commission's plan. It is everyone in this room ideally would own this plan and support it fully at the end of the day. The only way you're going to get there, in my view, is by working together openly, transparently, constructively, and in a friendly and respectful fashion. But that means that everybody has to be engaged in that. When I – and this is just me sitting as the independent Chair – when I hear two parties saying, "We're going to go off and have a bilateral about process, the Government of Canada and GN among others, are kind of left wondering what's going on. That's not necessarily helpful. So I appreciate your clarification, and I'll look forward to whatever details you can provide later in the week. Sharon?

Sharon: Thank you. And just to be clear, when we met in March with all the parties, the Commission offered to workshop individually with each of the parties so there is common understanding with their issues. So it's not a bilateral. We've offered the same for Canada, for NTI, for the GN, and we've come in and done presentations for some of the senior management in GN as well. So, we're being open and transparent. Our message is clear. We want to work collectively, and we want to resolve the issues. The ITPR was very clear about active engagement on all parties,

and recognizing that's where we're headed, and that's what the Commission's message is. We want to engage. We want to work collectively. We need active partnership to give us active feedback and constructive feedback, and definitive areas where we can make solutions and resolutions with that pertains to management areas in the Plan. So I hope that gives you clarity, so there is transparency in all our processes.

David L: Yep, works for me. Any comments on this process issue? Okay, let's get back to the technical. Any comments on the section we were dealing with? I think we're good. Okay, Jonathan, you want to move into the next section then?

Jonathan: Sorry, David, if I could just bring it back to the previous one for a discussion on the municipal boundaries being Mixed Use? It's not explicitly identified in the Plan. It has caused confusion, and I was wondering if I could just touch on that now in the context of all the discussions that are going to come. So we have designated areas within municipal boundaries Mixed Use. Again, that's not an explicit discussion that's in the document that people have provided feedback on. But I'm just wondering if there are there any comments around the table with regards to that decision, in particular with territorial parks awaiting full establishment. Thinking about it, I can see the logic of identifying those within municipal boundaries, because the Land Use Plan will no longer apply once they are fully established. So there's logical benefit to identify them in the Land Use Plan. That's not what's done. I was just wondering if the GN, in particular, had any feedback on that.

Vicki: Thank you. Vicki with Parks speaking. Yes, there is great value, and we requested that in one of our comments: Comment 3-010 that all parks awaiting establishment would be zoned as Protected Areas. Some of the parks within the municipal boundaries are quite small, and there are campgrounds within the towns. But others are not so small, and they are for particular values that the communities have identified, cultural and also natural values.

In particular...well, an example is the park near Cambridge Bay, Ovayok, is quite large in size and has a lot of values. So it is important to use that designation of Protected Area. When it comes revising or creating the management plans for those parks, that's when we work with the communities to see what kinds of uses will be allowed in the different sectors of the park areas. It's important that we're able to go through that process with the communities and make those decisions. Thank you.

Jonathan: Thank you very much. Spencer was just asking a question to me if this was an appropriate time to bring something up. I had said 'no,' but perhaps it is.

Spencer: Yeah, I hope this is the right time, because it does touch on several of the Government of Canada's departments and concerns. So, it's in regards to notification zones. Specifically, Parks Canada is requesting a 50km buffer of a notification zone if things should occur, and then 25km around historic national sites. DND would like some notification. So I was just wondering what NPC's headspace is on how they would achieve that? Would they achieve that through...would it be hard written in the plan? Would it be some other process? I was just wondering what you were thinking.

David L: What ARE you thinking Jonathan?

(Laughter)

Jonathan: The thinking regarding notifications, especially in an explicitly geographically defined area is that it's sort of an administrative requirement that we would implement through the public registry that we'd mentioned yesterday. So in this case Parks could go into our public registry and identify the exact areas where they would like to receive notifications. They could specify the types of project proposals that they would like to receive notifications on. And as soon as the Commission received the applications and posted notice of a receipt, Parks Canada would get an email notifying them of the project proposal. And likewise anyone could do that.

Spencer: Thank you.

David L: Okay. Moving on.

Jonathan: Thank you very much, David.

Jennifer: David? Hi. Jennifer Pye, Government of Nunavut. We would just like to request that in addition to National Parks and Parks Canada, that the Territorial Parks be notified, or make a verbal comment that Territorial Parks also be notified of development activities that are occurring within a zone close to those areas, in the same way that you described through the public registry process.

Jonathan: Sorry I might be a bit confused. Our intention was not to identify all of these different notification requirements that departments or members of the public would have. It's that we would encourage those types of notifications to be established by the organizations themselves. So if Parks, GN, Territorial Parks Division want to receive notifications 25km from a territorial park, they can set that up themselves through our public registry.

Jennifer: Thank you for clarifying.

David L: Okay, are we good. Peter?

Peter: Peter Scholz, Nunavut Planning Commission. In the GN submission comments 3-001, it's in about a half-dozen of the comments, I got the impression that NPC does not have the most recent geographic data on park boundaries or established parks in Nunavut data. Just a general comment that when park boundaries are changed or when proposed park boundaries are changed or if parks are established or anything, the geographic data should be sent to us so we can update our files.

Vicki: Yes, okay. We'll do that, but we have been doing that. We are not sure how the list was created, but we're keeping things up to date as much as possible.

David L: Alright. Good to go?

Jonathan: Thank you very much. Moving on to the Proposed Parks section, just a quick overview of what's in the Plan. It does identify the proposed park on Bathurst Island, Qausuittiq as a park proposal. I'll just note now that that is another area that there have been recent announcements where that is going to be an established park shortly. So, that would be anticipated to change to an

area where the Land Use Plan no longer applies. In support of that area, the Land Use Plan also identifies the adjacent area to the east as an important area for the survival of Peary caribou. Based on some recommendations it has included a Protected Area designation for that adjacent area as well.

The Plan also identifies the area in Bluenose Lake, which Luigi was mentioning earlier, as a proposed new national park, but the withdrawal has lapsed. That was our understanding when the Plan was drafted. We can certainly get some follow-up on that, but again, a Protected Area designation is assigned. The GN has identified last spring a park proposal near Clyde River that covers a significant area and identified that it had community and RIA support but is not yet finalized. There are still ongoing discussions. So again, the Plan assigns a Protected Area designation to manage the area in the interim.

Some of the comments - just quickly to overview – there is the issue of regarding Bluenose Lake that Luigi is seeking clarification on. The GN has identified additional territorial parks, and perhaps that in particular we do not have shape files for those as follow-up to Peter's. Those in particular we do not have. And I think that's all that I had to comment on now.

David L: Okay, thanks Jonathan. Luigi, did you want to follow-up on your earlier comment?

Luigi: Thank you. Luigi Torretti, Kitikmeot Inuit Association. Thank you for the clarification about the land withdrawal no longer being in effect. This question was actually directed to the Government of Canada. If the land withdrawal – and my apologies, I must have had too much coffee this morning. It must have been the espresso. I'm not sure. So the...if there is no longer a land withdrawal, does that not indicate that Parks Canada...the concept of a proposed park is no longer valid for the Government of Canada, Parks Canada specifically? Question.

David L: Spencer?

Spencer: Thank you. Spencer Dewar. That's not necessarily true. I would have to consult with Parks to see what their intentions are. A land withdrawal expiring could simply be an administrative error or that there could be some issues or further things that need to be done before the Government of Canada feels that a further land withdrawal is warranted. I just texted the land manager to see what the status is on the land withdrawal. You know, paperwork might be in the process. I defer to the phone if Alaine Joseph from Parks Canada has called in, if he might have more insight on Parks intentions.

Alaine: *(On phone)*. Good morning. *(Not on audio. The following is an approximation)*: We will follow up on the land withdrawal on that area. Right now I have no information in front of me.

David L: Okay, thanks Alaine. And while the phone has my attention, is there anybody else on the phone now? I guess not. Thanks. Luigi.

Luigi: Thank you, Mr. Chair. At times I feel like – Luigi Torretti, Kitikmeot Inuit Association. I think this is my version of Groundhog's Day. Just for a little bit of history on this proposed park, the Kitikmeot Inuit Association was not opposed to it initially. Parks Canada approached KIA and asked for a 5-year period to study the proposed park, and we accepted. The study was to be concluded in that 5-year period. That 5-year period lapsed without any report to KIA. They came back - Parks Canada came back to KIA - and requested a 3-year extension. They did not

have the time to do it in those 5 years and asked for a 3-year extension. KIA kind of hem-hawed, and we accepted another 3-year extension.

Once those 3 years lapsed, Parks Canada came back to us a couple years ago asking for another 3-year extension. Well, if it is not a priority to undertake a study in an 8-year period, then KitlA cannot support the proposed project, and we withdrew our support. And to my understanding and all the phone calls that I've made to the Government of Canada, that land withdrawal has lapsed. It was in the Gazette, and it has lapsed, indicating that there is no intent to continue with that proposed park.

We stand firm that we would like to have that delineation - that designation - removed from the Land Use Plan. I don't know if there's any clearer message I can deliver. It was...this is something that my Board and president have messaged, they've asked me to pass on. As an aside - and it'll come up later - but this is an area that will not produce any kind of significant benefit to Kitikmeot Inuit, or as we see it. But there is the Qausuittuq River area. So I would encourage Parks Canada to enter into discussions with KIA, because that is an area of community interest where Inuit would like to see some kind of conservation area being established. Whether it ends up being a national park, I'm not sure. But please engage us in those discussions and please drop the Bluenose proposal.

David L: Any comment, Spencer?

Spencer: I think it's best Parks sees what their intentions are and listens to what the Kitikmeot Inuit Association has said. So, we'll respond in due course.

David L: And you'll advise the NPC of the outcome of those discussions?

Spencer: Yes.

David L: Okay. Luis?

Luis: Luis Manzo, Kivalliq Inuit Association. The actual Keewatin Land Use Plan is called for oil and gas and mineral assessment in any proposed future park in the Kivalliq. Ask NPC was to inquire to GN to provide a land use of the park. Does NPC have the mineral assessment in those parks that will be established? Because it's required, a minimum assessment before the park be established in order to assess the value of what we need to negotiate in the IIBA. We need to know what kind of value is that. And it's just fair for Inuit to know what the value is to establish some sort of IIBA statements. Thanks.

David L: Thanks Luis. I think GN wants to take a shot at that.

Jennifer: Our specialist from Nunavut Parks, Linda will be responding to that. Thank you.

David L: Linda, go ahead.

Linda: Thank you. Good morning. The process to establish a new park, a new territorial park, before we bring it to the GN, there is a preliminary mineral assessment that's done. It's mainly desktop

assessment. And for all the new parks, we have that process. We can provide the information for all the new parks.

Luis: Thank you. Appreciate if you could give us a digital copy.

David L: And does the NPC want to see the same information or is it irrelevant to your process? Brian?

Brian: Thank you, David. Brian Aglukark, Planning Commission. The current Plan does have a process in place with specific processes to ensure there's a proper consultation process within the region. In terms of the issue covered under this Plan, I think Jonathan can speak better to that. Thank you.

David L: Just to be clear, all I'm asking is whether you want to see the same information that Parks is going to provide or GN Parks is going to provide to Luis. Do you want to see it or no? That's all I'm asking

Jonathan: Yes.

David L: Alright, so GN if you can also provide that information to NPC, they would appreciate that. Any other comments? Yes, Rosanne.

Rosanne: Thank you. Rosanne from QIA: I have three shortish comments on this section. The first is with respect to the Peary caribou habitat adjacent to the Qausuittuq National Park, which I should announce I guess. As of yesterday at noon, it got royal assent, so we do have a new national park in Canada, which is the Qausuittuq located on Bathurst Island, north of Resolute. But in the Plan, #59 I believe, is also a protected area designation, which overlays with...on the far right that dashed area is Inuit Owned Land. Between the park and IOL is a Special Management Area for Peary caribou. We were going to pull up, but I think this image has all the information you need. So the area of concern for us is the Prohibited Area designation over the IOL parcel.

As I mentioned, there are some parcels that have records of why they were chosen. There were two reasons why this was chosen: for protection and potential development - cultural reasons and development. So what we said in our comment is that we would have to...there's no reflection in the Plan as to what the community intent for that parcel was, and if they wanted it under a full protection designation. So this is one of the areas where that we are recommending further kind of consultation with the community be done to determine the true kind of interests or objectives for that IOL parcel, and whether it should be included in the full Protected Area designation or not. I guess the Government of Canada also commented on this in that it should only be a Special Management Area, so it's another just comment to take into consideration I guess for that area. I have two other comments.

Spencer: Yeah, this is the Government of Canada's position that we....yeah, we don't want to see it as a Protected Area but a Special Management Area subject to further studies.

Jonathan: I raised this in the Chapter 1 discussion. I think this is the example where Canada has recommended that it be a Special Management Area, but the list of prohibited uses remain the same. I attempted to articulate during Chapter 1 that doesn't fit with the logic that the land use designations have been set up. So if it prohibits uses for the benefit of the environment and

cultural values, the Land Use Plan has called those Protected Areas. So we would just be changing the name of it, but the direction would remain the same.

David L: Thanks, Jonathan. Spencer, I guess Rosanne and then Jennifer. But are they on the same topic, or are you moving on? Jennifer was it on this? Yeah, go ahead then please.

Jennifer: Thank you, David. Jennifer Pye, Government of Nunavut. We would just like to comment on section or #59: It has been identified as an area that is important for Peary caribou. While there is a lack of data that identifies clearly where calving areas are, we do know that this is an important area for Peary caribou. And as more data becomes available, our recommendation that no industrial development on calving grounds would apply in this area. So, we would like to see it maintained as a Protected Area to reflect the important ecological value that it does have for Peary caribou. Thank you.

David L: Well, Jonathan, what's your thinking on this one?

Jonathan: I have no profound thoughts, except to encourage QIA and NTI to identify any specific values or concerns in regards to that parcel. When the Plan was revised, it was based on the recommendation I believe from Canada and possibly GN – I don't have the list of recommendations from last spring – but that there was some agreement established when the area was removed from the park to continue protecting the area until some future discussions took place. Again, I don't have the information in front of me, but if there is different direction or values that NTI and QIA have identified, we would welcome and consider those.

David L: Okay I would just suggest that maybe the parties that have expressed interest in various forms of designation for this area maybe get together and see if you can't sort it out and then advise the NPC accordingly. Peter?

Peter: Peter, Nunavut Planning Commission. In your O&R document, it is map 73, and we can use that as the start of our discussions. Thanks.

David L: Alright, so you ok to go to the next one, or do you want to revisit this one?

Rosanne: I just have one last comment, and then I can go on to the next. I agree that I'm willing to sit down with NTI and the Planning Commission to work on this. I think the point that we kind of keep trying to make is that the communities need to be involved in that discussion as well, and that there needs to be some form of discussion at that level as to what the intent of the IOL parcel is as well. So we are happy to sit down, but there might be an additional step that needs to happen as well.

David L: Okay, and I think that's probably part of what Bert was talking about earlier. Okay, so the next...sorry, Jonathan?

Jonathan: Sorry, just for clarification, I was trying to paraphrase something that was in my mind. It is actually written in the Options document, the recommendation. We had in the 2014 Options document it says Parks Canada Agency has advised that "the area east of the proposed Qausuittuq National Park boundary currently covered by a land withdrawal, should be protected from development as decided by the Senior MERA Committee in 2002 moratorium on mineral

exploration and development until the Peary caribou recover and/or their fate is otherwise determined.” Sorry, there’s a reference to a 2002 agreement, and we did not differentiate between the Crown land and IOL parcels but would welcome additional input.

David L: Okay. You okay with that? I’d just add from my own perspective – and I’ve been involved with the Senior MERA group for some time - that’s a mineral and energy resource assessment. They can make recommendations but they’re not necessarily binding on anybody, including in one particular case I remember in the Sahtu, on the Minister of Indian and Northern Affairs himself. So, Rosanne, do you want to carry on?

Rosanne: Thank you. The next topic is Question 31 in NTI’s submission, and it’s about, Aggutinni the proposed territorial park. I just had a quick question or a quick comment: I guess that QIA is currently in consultations with Clyde River with respect to this park. We’re working with the Government of Nunavut as well. The ongoing discussions are whether the Inuit Owned Land parcels would remain within the park boundaries or not. So, those conversations are ongoing. I can’t guarantee or give you data as to when they would be completed, so the only thing I guess, is a way for the Plan to reflect whatever comes out within these negotiations or discussions with the Government of Nunavut, and if there would be a mechanism to incorporate into the Plan somehow.

I guess I’ll just go on to the next one, because it’s a very similar comment as well. Question #32 that we had in our submission – NTI’s submission - was about the proposed national marine conservation area in Lancaster Sound. Conversations or discussions are ongoing amongst the steering committee, which is QIA, Parks Canada, and the Government of Nunavut with respect of the boundaries of the proposed area as well. And the question, I guess to the Planning Commission is whether the Plan would need to be amended if the boundary changes as is what is proposed currently, or if there is another mechanism to update the Plan based on kind of the final boundary that is determined after the feasibility study is completed? Once again, I can’t...I don’t know if the feasibility study would be completed before or after the Land Use Plan is. So I just wanted to get your feedback, I guess on a mechanism for that

David L.: Jonathan?

Jonathan: So if these boundaries are revised and agreed upon before the Plan is submitted for approval, we would receive that information and make changes to the document before it was submitted. If the Plan gets approved with the boundaries as currently drafted and they were later revised and agreed upon, I’d note that the Land Use Plan would no longer apply within the territorial park or the National Marine Conservation Area, so that would require a Plan amendment to remove those areas from the jurisdiction of the Plan. It would be a relatively straightforward amendment. The Plan would no longer apply, and we would update our Plan to show that.

David L: Thanks Jonathan. I suspect that you have a little bit of time to play with there.

Rosanne: Thank you. Sorry, I was...just to confirm, the Plan doesn’t apply in territorial parks either in addition to national parks?

Jonathan: When fully established.

Rosanne: Thank you.

David L: Alright any comments? Anybody else? Luis.

Luis: Luis Manzo. Just clarification for Proposed Establishment of Territorial Parks and uses of this of mineral assessment. The Keewatin Land Use Plan has called for full mineral assessment. It's no choice that they stopped. The assessment and probably (?) can give you those guidelines to the full mineral assessment in those areas. Because that's in the actual land use plan, that's why I was asking. Because when you're talking about the future exploration going to the park, you need to know which has potential that you could expect and with the flexibility of the zones. Because you are close to IOL in the Arviat area, and it's just the river could divide in between. And when you talk about zoning for future and you being advised in it, we need to have that mineral assessment those based on the actual Keewatin Land Use Plan. Thank you. Just for clarification with the assessment. Thanks.

David L: Thanks, Luis. GN, do you want to respond to that? Yeah, go ahead.

Linda: Linda Vaillacourt with Nunavut Parks: When I talked about the desktop assessment, it is in the feasibility study. And whatever the process that we're in, we're always consulting with the communities. We provide the desktop assessment in the preliminary...in the feasibility study. If the community agrees to – and the GN and the Regional Inuit Association – if they agree to move ahead to next step in the planning, then we go through the complete mineral assessment, and we always provide information to all the parties. Decisions are based on all the consultations.

David L: Okay, Luis.

Luis: Thank you very much for the information. Yes, who would require that, just to have a solid basis? We know this agreeing with park. We just try to make sure that the zoning is reasonably flexible enough. And it's not because I chose what is called by the Keewatin Land Use Plan but that you need to have those assessments than before the plan proposal is being established. Thank you.

David L: Thanks, Luis. Anybody else have comments on this? GN?

Linda: Just to clarify, these assessments are not done by the Department of Environment. They are done in consultation with the departments or specialists like the CNGO and ED&T, but it is part of the process of establishing a park.

David L: Okay, thank you. Nobody else raising their hand? Okay, why don't we go on to the next section and then we'll break at 10:30 depending on how far we've gone.

Jonathan: Alright. Thank you very much, David. The next section is Proposed National Marine Conservation Areas. As Rosanne was just mentioning, there is a project underway to establish a conservation area in the Lancaster Sound. The Draft Plan has incorporated the current proposed boundary for the study area, and we appreciate that discussions are ongoing regarding that boundary. It does designate the area as a Protected Area with some prohibited uses. I will note that I think this a particular example where there's a lot of the shoreline mapping slivers and

overlaps with different designations, given that it's a marine area in a lot of these mapping issues. Again, although it's called a Marine Conservation Area, I would note that once established, the Land Use Plan would no longer apply. But typically with all other conservation areas, the Plan does apply when they are established, such as Migratory Bird Sanctuaries etc. Thanks.

David L: Alright. Any comments from anyone? Going once, going twice. Alright, next section.

Jonathan: Moving along to 3.1.2 Conservation Areas: The first item is Thelon Wildlife Sanctuary, which was established to protect muskox in the '20s. The lands are withdrawn, and we've assigned a Protected Area designation that prohibits a number of uses. And I don't have notes of any questions in regards to this.

David L: And I see no indication of anybody adding to that. Alright, Jonathan you ready to move to the next one?

Jonathan: Thank you. The next section is Migratory Bird Sanctuaries. There are currently 8 established in Nunavut. The Draft Plan assigns a Protected Area designation to those areas, which prohibits incompatible uses and also implements setbacks in the same way that was done for the Key Migratory Bird Habitat that we discussed in Chapter 2. So they're the same discussions around those setbacks would apply here. I do have a note here just to clarify that the Chamber of Mines raised the issue that the Queen Maud Migratory Bird Sanctuary boundary is under review. They were questioning the status of that, and if we were aware of it. And we were just wondering if there is follow-up information around the table?

David L: Bruce, would you have anything to add there?

Bruce: Thanks, Mr. Chairman. Bruce MacDonald with Canadian Wildlife Service. I guess I would look for more information on the questioning, because I'm unaware of the boundary being under review.

David L: Liz, do you have anything that you can add to that?

Liz: Good morning. Elizabeth Kingston, Chamber of Mines. I can repeat what's in our submission as the question if that would be helpful. Essentially, it's our understanding that the boundary - being the largest conservation area in Nunavut - is under review. There's a couple of web links that we've referred to in our submission. In our view, it has been made increasingly clear that a significant portion of the Queen Maud Sanctuary is actually not critical bird habitat, but there are areas of significant mineral potential in and around that area that could be investigated if the land was available to such activity. So we understood that Environment Canada was conducting this review, and we wanted to alert this or notify this to the NPC to get a better understanding of where the process was in terms of this review for their information.

David L: Okay, thanks Liz. So can I leave that to Government of Canada and Bruce to follow-up on and see what you can uncover?

Bruce: Yeah, I'll certainly follow up, Mr. Chairman. But like I said, from my perspective at this point, there is no boundary review that I'm aware of. But I will definitely double check and get back to the Commission. Thank you.

David L: Great. Thank you. That would be appreciated. Luigi?

Luigi: The Kitikmeot Inuit Association would like information on that. We have been questioning the extent of that bird sanctuary as well. It's quite a huge piece of land, so if you follow-up with the Chamber, can you also follow up with the Kitikmeot Inuit Association please?

Bruce: Thanks, Mr. Chairman. Yeah, the information will be made available to whoever wants it.

David L: Yeah, I would if you send it to the NPC, they'll put it on the website and others can access it. That'd be helpful. Any other? Yeah, Naida.

Naida: Naida Gonzalz, NTI. We wanted to mention that we appreciate the Government of Canada's submission in this area where they acknowledge the IIBA for the Migratory Bird Sanctuaries, and that there were negotiations that took place over a long period of time that allowed Inuit access to parcels within the Migratory Bird Sanctuaries. The Government of Canada suggested a way to deal with that so the land use designation does not interfere with that.

NTI has a different proposal for a solution to that, and it's to take the approach that you find in the Sahtu Land Use Plan. Where there are legislated conservation areas that the existing legislation and regulations is what applies, and that you don't overlay another set of conditions with the Land Use Plan that would sometimes be conflicting. So we like the approach in the Sahtu Land Use Plan where the existing legislation and regulations is what applies, which I think makes it much clearer and less confusing.

David L: Yeah, Jonathan?

Jonathan: My first thought is that there has been some effort to buy the Government of Canada to translate the existing legislation – legislative Protected Areas – into language that the Commission can implement through its Land Use Plan. We are required to do a conformity determination on project proposals in those areas, and we would not have the ability to implement as written, that legislation. Just in terms of us reviewing the projects, if that was the case, we would not have much of a role there, I guess, just in terms of the way land use plans are implemented in the Nunavut Settlement Area compared to other jurisdictions.

David L: Well, in the case of the Sahtu – and again I've had some experience there – it's the dual designation issue that you're talking about. Yeah, and so just for simplicity and clarity, the decision was made that if a conservation area was identified in the Plan, then the rules that were in place to – if there were rules in place - for that conservation area were maintained, and that the Plan didn't add another layer of designation to it. It's just simplicity. Clarity. Any other comment on that?

Naida: Yeah, I would say that, just to respond to the translation that was provided. If the intention was to mirror the Migratory Bird Sanctuary prohibitions in the Land Use Plan, we don't believe that's

accurately reflected, that they are over and above what's in the legislation by far. And that's a concern.

David L: Okay, well we'll leave it with NPC and the others to sort out. Spencer, did you have a comment there?

Spencer: So – it's Spencer from the Government of Canada. So, NTI, you're proposing that you just leave it under the normal CWS, or whatever the prohibitions are, and NPC's providing some value added? I guess the Government of Canada is stuck in the middle. We just want to make sure that any IIBA is not affected by any additional measures that NPC proposes.

Naida: We're concerned that the value added is interfering with what's been negotiated in the IIBAs, and we'd like to see that resolved.

David L: Alright, so I guess we'll leave it at that. I'm sure we're not going to solve it today. But I think it warrants some follow-up discussion. Jennifer.

Jennifer: Thank you, David. Jennifer Pye, Government of Nunavut. We would just like to make a note or a comment for the record that in addition to the importance of this area as a Migratory Bird Sanctuary, there is also important calving grounds that exist for the Beverly and Ahiak herds within the Queen Maud Gulf Sanctuary. Thank you.

David L: Alright, is that it for this section? Any other comments? Alright, I'm going to declare a break. I need some coffee, and we'll get back at 25 to. Thanks very much.

BREAK

David L: Okay, Jonathan if you wanted to get started.

Jonathan: Thank you very much, David. The next subject is National Wildlife Areas, very similar in the treatment to the Migratory Bird Sanctuaries in the Draft Plan. They are again established under the Canada Wildlife Act, and there are 5 of them within the Nunavut Settlement Area. And all five have been assigned Protected Area designation that prohibits incompatible uses and also establishes setbacks that was done in the same manner that was done for Migratory Bird Sanctuaries and Key Bird Habitat Sites. So those same themes apply, and I'll just open it up for comments.

David L: Any comments, concerns, observations? NTI?

Naida: Just spilled my tea everywhere, but...I'll just repeat the same concern as Migratory Bird Sanctuaries, and I won't repeat it again, and it is about the dual designations. So where there are dual designations, we are of the position that whatever exists in the legislation regulations is what should apply in those areas.

David L: Okay, NPC has that message. Any other comments, concerns regarding this particular section, subsection? Okay, Jonathan you want to go to the next, please?

Jonathan: The next topic is Historic Sites. I'll start by noting that land use plans prepared by the Commission do not apply within National Historic Sites that are administered by Parks Canada. At the time of the drafting of this Plan there were 12 National Historic Sites in the Settlement Area, none of which were administered by Parks Canada. Additionally, there were 4 territorial Historic Sites within the Settlement Area. All of these areas outside...sorry, those areas outside municipal boundaries – it's the same issue again – have been assigned Protected Area designation that prohibits incompatible uses.

Just note, Canada was concerned about which historic sites had been designated, and again to confirm, that was a municipal boundary being Mixed Use. I guess we'd be curious for specific feedback that they would be appropriate to designate within municipal boundaries. Also, as a note, the Erebus, which was recently found is in the process. It may already be done. Maybe Parks can update. But that's going to be or already is a National Historic Site that is administered by Parks Canada, so the Land Use Plan would not apply to that area. We would just await receipt of that information.

David L: Okay, thank you Jonathan. Spencer, did you have anything to add to what Jonathan has referred to in his comments?

Spencer: I think – Spencer Dewar, Government of Canada. I think we've seen that just 8 of the 12 historic sites were captured. We just want to have information on where to base the determination level of the level of protection given to the 12 sites. That's it.

David L: Alright, any other comments? Concerns? Okay, so we'll move into chapter 4 then I think. Is there more to do here?

Jonathan: Heritage Rivers is the final section of Chapter 3. There are currently 3 designated Canadian Heritage Rivers within the Settlement Area, and it's important to note that each of those areas has its own management plan. For the Thelon and the Kazan Heritage Rivers, the management plan focuses on a corridor extending 1 km from the riverbank. The management plan for the Soper River considers the entire watershed. There's a significant portion of that watershed, as we were noting earlier, is within the territorial park. In addition, that management plan has stronger language in regards to protecting the ecosystem and biophysical and cultural elements of the watershed as a whole.

Based on those different management plans, the Draft Nunavut Land Use Plan assigns a Special Management Area to the Thelon and Kazan River corridors where direction is provided to regulatory authorities and cumulative impacts possibilities are identified, whereas with the Soper River watershed, it was assigned a Protected Area, which prohibits incompatible uses. And we have noted previously the concern with the IOL subsurface within the park but that has been captured by this watershed designation.

David L: Thanks Jonathan...Go ahead.

Jonathan: I'll just note as well that the GN has identified that the Coppermine Heritage River has been nominated, and it has been going through a process. It has encouraged the identification of the Coppermine River in the Plan as a Special Management Area. It wasn't, I guess clear exactly

what the Special Management would be and we were just looking for a bit of confirmation as to perhaps what that would look like.

We had a question from the Chamber of Mines confirming that mineral exploration development is permitted within Heritage Rivers. Sorry, do we have the table schedule, Table 1? To confirm, it's not...apologies. Mineral exploration and development is permitted in the Thelon and Kazan River corridors. And I was just asking if we could pull up the list of prohibited uses for the Soper Heritage River.

David L: Okay, in the meantime, Naida did you have a question?

Naida: Yeah, Naida Gonzalez. On the Thelon and Kazan, NTI and RIAs are in the middle of negotiations for an IIBA for Canadian Heritage Rivers. One of the issues with respect to the Thelon and the Kazan is how IOL's are going to be addressed within the IIBA. The negotiations have hit an impasse. It's the request of the Kivalliq Inuit Association that until those issues are resolved that the Special Management Area not be designated for the Thelon and the Kazan.

David L: Okay, and GN, were you going to respond to Jonathan's request there?

Jennifer: Yes, thank you David. Vicki will be responding to Jonathan's request about the Copper Mine Heritage River.

Vicki S: Thank you. Vicki Sahanatien, Nunavut Parks. So, again, it's a bit complicated because of what Naida just mentioned NTI. The IIBA negotiations are at an impasse. But we are starting to have discussions again about moving ahead with work, but we don't know the timeframe on that at all. In regards to the Coppermine and the designation there, the nomination document went to the committee that accepts those. It's a federal, provincial territorial committee. The nomination document was accepted. We proceeded to create a management plan. Actually, the work was done by Kugluktuk itself with the Inuit organizations and also with territorial and federal assistance. So there is a management plan, but at this point it's still a draft, again until the IIBA is concluded. I guess it's important to note that the designation for that other Coppermine was a community brought forth the idea to the territorial government and the federal government. So most heritage rivers are community driven, pretty well all of them. It's an important piece of work for Kugluktuk, but again, we're sort of sitting in stasis until that IIBA is completed. The important thing about heritage rivers is that there are values to be protected, and those values are enunciated through the management plans. For the most part, they would warrant at least Special Management Area protection. I guess what we can do is provide that draft plan to NPC. I, I guess I'm new with GN as well, so I'm not sure what documents were provided to you in the past. But we can provide that, and there's information there that would back up that kind of designation. Thank you.

David L: Thanks, Vicki. Jonathan, anything?

Jonathan: Yeah, that would be appreciated. I'd just like to note that if there is any specific direction that the GN feels would be appropriate to incorporate into Land Use Plan, if that could be identified. That would be appreciated.

Vicki: Vicki, Nunavut Parks. Yes, we can do that. Thank you.

David L: Thanks, Vicki. Luigi.

Luigi: Luigi Torretti, Kitikmeot Inuit Association. The comment that Naida stated that no Special Management Area be designated until such time as an IIBA is negotiated – is finalized – stands for the Kitikmeot Inuit Association as well. This is a plan that was led by Kugluktuk, and KIA certainly participated in it, but it does, it has a potential to impact IOL, and we do need to make sure that an IIBA is considered – is finalized – before we would consider it a management area or some kind of designation to be assessed. So at the present time, we do not wish to see a Special Management Area designated until IIBAs are done.

David L: Okay, that's pretty clear. Any other comments? Concerns? Yeah, Vicki.

Vicki: Thank you. Vicki Sahanatien, Parks. I understand the NTI and also the Kitikmeot Inuit Association's concerns on that having the rivers designated. I guess, it's unfortunate I suppose, because they are great values, and they are nationally recognized as well as within the territory, and not just for natural but for cultural values. I'm hoping there is some way if the designation does, I guess is removed, that there's some way to recognize those values in another fashion. The reason being is because the rivers that are nominated, if values are, I guess eroded, I guess it's possible for them to be delisted. So there are ramifications within that federal program. It's important somehow to recognize the national value of those heritage rivers within the Plan. I'm not sure, I guess, how we can, given the state of the IIBA lack of negotiations and also the positions that have been enunciated, which we were not aware of actually. So it's a bit of a surprise in terms of responding and thinking of alternates at this point. Thank you.

David L: Thanks, Vicki. I guess the only recommendation I could make is you guys are here today. You might want to talk and see what you can do. Any other comments or concerns? I'm not sure I'm going to acknowledge that but yes, sure. Jonathan go ahead, and then Luis.

Jonathan: Sorry, I just wanted to follow-up. I was perhaps a bit inarticulate earlier when trying to address the question that the Chamber had posed to the Commission about confirming where mineral exploration and development was permitted or prohibited under the Draft Plan. We just wanted to reference Table 1 in the Plan where it's clear that for the Soper, a heritage river, it's proposed that there would be prohibited uses including mineral exploration and production. But for the Thelon and Kazan areas, there is just direction to the Water Board, in particular, to mitigate impacts on those heritage rivers for some specific activities. So within areas 88 and 89, the Thelon and Kazan Heritage Rivers, those uses would conform to the Draft Plan.

David L: Luis.

Luis: I just have a question for NPC. We know there is lack of negotiation with the rivers, but when at that point it's going to be passed soon – one year or two - what's the process to then incorporate some sort of a designation in those rivers? It's not clear to me in the future plan how will you incorporate it? There has to be an amendment in the Land Use Plan afterwards when we finish to negotiate with the GN or to incorporate designations or rivers or not?

Jonathan: Sorry, I'm a bit confused on the question. You're referring to if agreements are later reached regarding Canadian Heritage Rivers and there was at that time agreement to put some direction in the Nunavut Land Use Plan regarding those areas, what would be the process?

Luis: Correct.

Jonathan: Yes, so as we discussed with other issues throughout the meeting, if we receive additional information in advance of a plan being submitted for approval, we would consider it at that time. Following an eventual approval of the Plan, the Commission would consider a Plan amendment as requested or as well during a periodic review. And we'll discuss those types of functions during the discussion on Chapter 7.

David L: Thanks Jonathan. Yeah, Vicki.

Vicki: Vicki Sahanatien, Nunavut Parks. Just a very quick comment, just for the record and to clarify, I guess, responsibilities. For the negotiation of the IIBA for Heritage Rivers, the federal government is leading that negotiation, because it's a federal program. The GN is a party to that negotiation with NTI and the RIAs, I think. So, we're waiting. We're not trying to hold things up. Just to clarify that.

David L: Okay, thank you. I guess the same comment that I made earlier would hold though. The parties are here today. Maybe you can get together and see if you can accelerate something. Okay, I think we're done with Chapter 3. Are we? Great. Do you want to start Chapter 4 then, Jonathan?

Jonathan: Thank you very much. The first section of Chapter 4 deals with Community Areas of Interest through our consultations with communities on the Draft Plan. There was a great deal of areas identified for various importance. Those have been included in the Plan as a separate issue as Community Priorities and Values that we'll discuss next. But in some instances there was a good deal of consensus to the identification of an area repeatedly and vocally for some areas where there were no other designations in the Land Use Plan. So there are 6 areas that have been identified through community consultations. Again, they are outside of other areas that have been identified in the Plan, which have been assigned Protected Area designations that prohibit specific uses based on the feedback we received from the communities.

There have been some questions regarding those lists of prohibited uses, and in particular cruise ships and shipping in noted as being prohibited in two particular areas and where that came from. And I think I mentioned yesterday that those specific uses were identified through community consultations as having concerns with those activities in these areas. With that, I'll open it up.

David L: Comments? Luigi.

Luigi: Thank you, Mr. Chair. Luigi Torretti, Kitikmeot Inuit Association speaking to the Hiukitak River. The Hiukitak River is an area that our Board – I believe it was 2007 - passed a resolution to explore potential conservation options for that area. It is the KIA that submitted that polygon. The polygon is a little bit larger than what may end up being the conservation area, but we're trying to estimate what the original intent was. We did make that submission. When the

submission was made, the KIA did not specify prohibitions and the prohibitions that Jonathan mentioned - the commercial shipping and the cruise ships. We don't quite see those being in line with the original intent of the submission. So from a KIA perspective, we would like for the Hiukitak River Area to have those removed as a prohibited use. Anyway, that's from our perspective. And just a follow-up on the Bluenose discussion, again, I would encourage the Government of Canada to withdraw its idea for a Bluenose... an extension to the Tuktut Nogait and rather focus on engaging the Kitikmeot Inuit Association on the Hiukitak River instead. So, Jonathan, I believe, does that answer your question in that specific regard, the prohibitions?

David L: Jonathan?

Jon: Thank you, Luigi. I just would like to note, it is important distinction that as you can see in Table 1, the Hiukitak does not have shipping and cruise ships listed as prohibited uses. Those were specific to Moffet Inlet and an area in Foxe Basin where that was the concern. With the Hiukitak River, we did not receive that feedback. So, the list of uses is consistent with other Protected Areas. We didn't receive specific direction, but we understood from KIA that, you know, mineral interests were not being granted in the area, and this would be consistent with that and would also apply to Crown land. It was viewed as supportive of the Kitikmeot Inuit Association direction.

David L: Luigi.

Luigi: Thank you, Mr. Chair. My apologies for misinterpreting that table. When I originally assessed the protected...or looked at the prohibited uses, I thought that shipping was listed in there. So if mis...if that's a mistake on my part, I apologize.

David L: Okay, any other comments, concerns? Alright. Want to go on to the next one. Oh sorry, Jason.

Jason: Qujannamiik. Thank you Mr. Chairman. With the Foxe Basin Marine Area of Interest in Igloolik, is that the idea where Igloolik and Hall Beach were trying to develop a Marine Protected Area in working with DFO, or is that a whole different topic in the Draft? Can you clarify? Thank you.

David L: Jonathan, can you...

Jonathan: Thank you very much. My understanding, and I could be incorrect here, but I believe the shape file that's used for the Community Area of Interest in the Foxe Basin is a shape file that resulted from the DFO consultations on areas of concern. We heard those concerns repeated during our consultations. That area, I believe, has been used to define the area, so it does in part build on the consultations that took place with DFO.

David L: Jason, you okay?

Jason: Thank you. Thanks for the clarification, because in our submission, under this Igloolik along with Hall Beach were trying to establish a Marine Protected Area that was scrapped a few years back. When it was scrapped, Igloolik in 2008, agreed there would be ban in sport hunting and tourism of concerns with the walrus in the area. So they stopped for 2-year ban that...the decision was made locally to see if marine mammals would come back or return. So, that was locally. So

needed clarification if it was from that or the Marine Protected Area that was being proposed. Thank you.

David L: Jonathan.

Jonathan: Yeah, I'd just like to confirm that I've checked Table 6 in the Draft Land Use Plan, which identifies data sources. I'm not sure if everyone's aware of that, but it does reference the information we have used in terms of a geographic base. And that does reference that we have used the Marine Protected Area boundary that was being discussed with DFO that was supported by the community at the time. And a 1 km extension to that has been applied, again reflecting the general discussion that we had with communities about the importance of the area that DFO heard and we did as well.

David L: Alright, thank you. Any other comments before we move on to the next? Yeah, please.

Jackie: Thank you. Jackie Price, Qikiqtaaluk Wildlife Board. I'm just going to follow-up slightly on the question Jason just asked. Thank you for that clarification, Jonathan. I guess this chapter is interesting, because from the QWB perspective, this area has a lot of potential of growth, and a lot of potential for future generations of this Plan to really, to really benefit from community experience.

I guess I just want the official record to be said that in this region and no doubt for all the territory, each community has Community Areas of Interest that would fit the guidelines and the rationale for the list you have right now. So, maybe we will discuss this in the next section of the Plan, but it'll be interesting to see how this section gets developed, because all communities have areas in which they probably want to protect in similar manners as the ones highlighted in this Plan right now. Thank you.

David L: Thank you. Spencer.

Spencer: Spencer Dewar from the Government of Canada. I just wanted to highlight that the Government of Canada's submission, it doesn't support prohibition on shipping in Moffet Inlet or Foxe Basin. We would like to discuss it further and see if maybe there is less a restrictive approach that can be investigated and applied?

David L: Okay, I invite you to discuss if further. Just to be clear, though that discussion would be a broad circle. Any other comments, concerns? Alright, so we'll move on from Community Areas of Interest to the next section then.

Jonathan: Thank you very much. So as we've already discussed, during community consultations, a large number of areas were identified for their importance to various goals, identified by communities. We've used those Community Priorities and Values throughout the Plan, as we've previously discussed. But this is the section of the Plan where we bundle up all the areas that were identified by communities. They've been, again, summarized in tables in the back of the Plan. We've provided direction to regulatory authorities to mitigate impacts on these Priorities and Values.

Again, I'd just like to note that a more helpful and informative version of that is envisioned to be implemented through an online system where a specific list of the exact comments that were provided for these areas would be provided for proponents and regulators. So the tables in the back are, again, just an attempt to summarize that volume of information. The Government of Canada wished to clarify that these do not form part of the conformity requirements of the Plan, and we do confirm that in the Draft Plan. It's direction to regulatory authorities, or information for decision makers. Canada has also suggested the GN has provided clarification that we'll need to consider all of those comments carefully. But it is correct that the Commission would not use these Priorities and Values to assess conformity for a given project proposal. Thank you.

David L: Thanks Jonathan. Any comments? Naida.

Naida: We'd like to commend NPC for collecting this information and see that it would be very valuable. We have concerns and understand the Government of Canada's position that it should not be an informed part of the conformity decision. We're not suggesting that it should. But there's concern that this information isn't going to be used as extensively as it could be. Possibly whether there's a way to ensure that proponents do use this information some way to require them to show that they have looked at it and reflected on the community Priorities, we're looking for something with more meat to how this is going to be implemented in the Land Use Plan.

David L: Jonathan, can you elaborate?

Jonathan: Yeah, I guess of course we would welcome suggestions as to how it could have more meat or effect or value in the Land Use Plan. That is, I guess part of a larger discussion on how the Plan functions with this direction to regulatory authorities concept. You've mentioned the idea of somehow requiring proponents to demonstrate consideration of these Priorities and Values. That's a common thread as well that we would welcome feedback on. It's not coming back to me exactly what other sections similar comments have been provided. But there is that theme of, "Is the Commission able to require information to be submitted that demonstrates consideration of any concern?" That's worthy of larger discussion and what the Commission's role in that would be. And we clearly would not be assessing whether or not the consideration is appropriate. It would almost be an information requirement under that concept that you've raised here. And I know throughout the document we received similar comments from different organizations. So, yeah, we appreciate any information that could be provided

David L: Yeah, Sharon.

Sharon: So just to be clear, we are looking at it. It's a complex issue. There's a number issues around it with the conformity process of imposing a 3rd party requirement on a proponent. So we are looking at it. We do need to have further discussions on it, and we don't want to make the process any more cumbersome, but we also hear what you're saying and concerns regarding the use of the information. So we are looking, and we will be looking for solutions to incorporate if it's possible. Thank you.

David L: Thank you. NIRB, do you have anything to add to this discussion?

Sophia: This is Sophia with the Nunavut Impact Review Board. Not at this time.

David L: Okay, I don't think there's anybody here from the Nunavut Water Board is there? No. Alright, well, it would be useful to get some engagement with the regulatory authorities on this particular question. I'm sure you've had some discussions already, but as folks have said, it keeps coming up and sooner or later it's going to have to be addressed in a way that works for everyone. Okay, any other comments? Yeah, please Jackie.

Jackie: Thank you. Jackie Price, Qikiqtaaluk Wildlife Board. Again to kind of follow-up on my previous comment, we at QWB see this section as again something that has a lot of potential for future growth. Regional Wildlife Organizations hold annual general meetings once a year, and within those meetings there's an opportunity for all our members – all the HTOs - to highlight concerns within community regarding wildlife and habitat. As you can appreciate, the issues that get raised can be really wide-ranging and impact all of our organizations in this room. So just based on that experience I can imagine someone like QWB being able to input into this Community Priorities and Values table or database or whatever it is yearly and formally. It will be interesting to see as that develops and as we develop our systems in which we can communicate more effectively, how it gets acted upon within the regulatory processes that we have. So that's I guess just a comment. Thank you.

David L: Thank you, Jackie. Henry.

Henry: A mixed up person to see if he wants to speak in English or Inuktitut. Again, maybe I'll say it in Inuktitut instead. (*The following is translated*): All of us from the communities are...this is important to us, whether it's land or the sea. Those, the people, the local people use bodies, whether it's government. The people – the local people – has to be considered. I'm glad that you are discussing this matter. They have to be put into full consideration, the local people of what they find value. And for us the walrus hunting area or the one near Sanikiluaq, we go harvesting there. They are important to us communities. For example where I was born, my mother, she...it was a good place to live even though there was no trading place. Culturally, it was a great place to live at. My father used to reside down there on that island for 12 years. It is important for example. Those proponents if they are to disturb the wildlife, the wildlife will move on somewhere else. This has to be put into consideration what the local people value. They want it to be protected. I just wanted to repeat that. Thank you.

David L: Thanks, Henry. Other comments, observations? Alright Jonathan, you want to proceed please?

Jonathan: Thank you very much, David. Just one final note that occurred to me as Henry was speaking: Just to note that these Community Priorities and Values are identified by community in this digital database, and it includes areas that were identified by people in Nunavik as well as incorporated information from the Denesuline in Northern Manitoba and Saskatchewan.

The next section, 4.1.3, is Community Land Use. Now this is included as a separate section but it's similar to the previous one, except it relates to the use and occupancy information that the Commission has been collecting for a number of years. So this documents actual individual sites that have been used by Nunavummiut. The Draft Plan again assigns a Mixed Use designation as it were to all of these areas, but compiles all the information and would provide a direction to regulatory authorities, again to consider these recorded areas of use.

David L: Comments? Concerns? Okay, next.

Jonathan: 4.1.4 is Areas of Equal Use and Occupancy. There are I believe two separate areas in the Settlement Area, which are identified in the Land Claims Agreement as areas of equal use and occupancy between the Inuit of Nunavut and Nunavik. Within these areas there are jointly owned Inuit Owned Lands. During our community consultations, these areas were identified by residents of multiple communities in both Nunavut and Nunavik as important for a variety of cultural and environmental reasons. For this reason, the areas were assigned a Protected Area land use designation, which prohibits incompatible uses. I will note we received a submission from Makivik who is not here in the room. I'm not sure they've dialed in or not. They stated that they are concerned about this, and it may limit certain activities in the area. They are going to get back to us, and QIA has mentioned that there are ongoing discussions regarding those areas.

David L: Thanks, Jonathan. Is there anybody from Makivik on the phone? Henry?

Henry: *(The following is translated):* Yes I did. In Makivik – I'm not a delegate from Makivik, but on behalf of them, we go walrus hunting in the fall season in August, end of August. It is written that Nunavummiut and Nunavik equal use, because how we...how it be planned to use some of us, some hunters go harvesting walrus there. The communities...the locals go up to walrus hunting there, and they go to Sanikiluaq area to Sleeper Island. We appreciate this that there is a dual purpose. Walrus meat, to us, we use year-round as a staple diet. I just wanted to say, if there are any activities in these areas, we have to be know, we have to be informed of each other in the documents, how they have to be protected. Take into consideration that we do not want the animals to move from that area. They have to be protected in those areas. We appreciate that. I just wanted to say that.

David L: Thanks, Henry. Yeah, please Rosanne.

Rosanne: Thank you. Rosanne from QIA. I just wanted to add that I had a quick discussion with Makivik right before these meetings started, and we are going to look to continue to actually meet to perhaps submit a joint submission to the Planning Commission on those areas of joint occupancy. So, we will work with them and NTI to try and bring something forward on behalf of all the parties involved.

David L: Thank you. Yeah, Brian.

Brian: Thank you. Brian Aglukark, Nunavut Planning Commission. Just for the record, Henry is here on behalf of the Makivik Regional Planning Commission, not for the Makivik Government itself, for clarity. Thank you.

David L: Thanks. Anybody else on this one? Okay, Jonathan, next section please.

Jonathan: Thank you very much. Section 4.1.5 – Denesuline Areas of Asserted Title Claim: There are currently areas of asserted title claim within the Nunavut Settlement Area, and negotiations are ongoing. In the Draft Plan it identifies certain areas that have been withdrawn from disposition and assigns those areas a Protected Area designation that prohibits a number of uses. The Denesuline have been in communication with us over the last six months or so and have identified significant concern that this designation impacts their negotiation processes.

In consideration of that, the Commission has issued a notation on February 5, 2015 regarding the area, and I think I'll just read the notation so everyone is aware. The notation reads: "The area of land withdrawn under order in council etc. will be considered and presented during the public hearing on the Draft Nunavut Land Use Plan as an area of Mixed Use. The area will be reevaluated in light of any representations that may be made during the public hearing. Following the public hearing, the Commission will revise the Draft Plan to reflect the most appropriate land use designation to manage the areas."

So there has been some commitment to consider the area as Mixed Use to give them some certainty in their ongoing negotiations. But of course, the Commission will continue to consider any other interests or values in the area that are identified in the remainder of the process. Thank you.

David L: Thanks. There's no one from the Denesuline in the audience here. Is there anybody on the phone representing Denesuline? No, I guess not. Oh, sorry Bert.

Bert: Thank you, David. Yeah, if I could just maybe give a brief update? I'm actually involved with part of the negotiating team that meet with the Dene, along with AANDC and the province of Manitoba. We were in Arviat last week to do a consultation with community. We met with the Hunters and Trappers Organization to give them an update, and we also held a public meeting. I had a chance to briefly speak with Brian at the Planning Commission office in Arviat and give a brief update.

There's still a confidentiality agreement around the negotiations, but in broad general terms, and just as an update – because this file has been going on for 15 years and people wonder is it ever going to end - they are very close. There's actually...it's within the federal system. So, as identified, there has been a land withdrawal. There's identification of what will be Manitoba Lands that are within Nunavut. I won't go into too much detail, but clearly that's why the letter from them, similar to what Inuit have with their Land Claim Agreement and trying to sort out how Inuit Owned Land would be managed. The Manitoba Dene will be going through a similar process.

Connected with those negotiations are South of 60 negotiations. Inuit are negotiating with the province of Manitoba for a land claim in Manitoba. It's mostly along the coastline, and again, those discussions are ongoing. One of the components not in the claim, but something the Manitoba government is looking at is a resource management board that would be in Manitoba. So it would be good to have coordination between that Board and Manitoba with the Planning Commission. I know that AANDC has approached the IPGs trying to figure out a date when they can provide an update to all of the IPGs, because in that area in the South Kivalliq, if it affects the Dene, it's envisioned that they would have a role or be involved with the IPGs - so not just the Planning Commission, but Water Board, Impact Review Board, Nunavut Wildlife Management Board. It's probably still a year or two, or perhaps more away, but there have been consultations with the communities, and it is coming close. So hopefully the Planning Commission will hear more official sort of updates. And again, this is just a broad general update that there has been significant progress, and things are coming close to an agreement.

David L: Thanks, Bert. That's helpful. Comments from anybody? Yeah.

Spencer: Spencer Dewar from the GoC. We support the Denesuline. We think it could be Mixed Use. We don't feel that prohibition is necessary. Thanks.

David L: Alright. Okay, Jonathan? And then the next section.

Jonathan: Thank you David. Yes, we had noted the Government of Canada's comment, and we appreciate the clarity of the submission. We also had a quick follow-up with the Government of Nunavut that suggested that we revise Schedule A to include...to reflect the full extent of the areas of interest. We'd just like to confirm – you made reference to colored dashed lines from Figure 1 in the Land Use Plan. Are you proposing that we simply illustrate that boundary on Schedule A for reference as it were?

Jennifer: Thank you Jonathan. And also thank you for providing clarification earlier on the notification that the NPC posted. I think that is not reflected in our comment, but yes, our department – one of our departments – had noticed a discrepancy in what their understanding was of the withdrawn lands and what was in the Plan. And so we're asking that it be updated to reflect, I guess the accurate boundary.

However, with respect to, I guess delisting the asserted title area to Mixed Use, the GN would just like to note that the Dene areas are also...they also overlap with important rutting areas for the Qamanirjuaq herd, and the GN would like to be consulted with respect to any change in the land use designation for this region.

David L: Thanks, Jennifer. Any comment?

Jonathan: Yeah, thank you. And I'd just like to clarify again, in the notation, it noted that, you know, the Commission will consider it Mixed Use for the purposes of that area, for those boundaries, but again would still consider any other values that are identified in the area, and consider those up until a public hearing.

David L: Alright, I sense a certain ebbing of energy in the room. We'll do one more section and then we'll break. And then we'll get back at 1:15, so hopefully a slightly longer lunch break than yesterday. Jonathan??

Jonathan: Thank you David. This might be a bit of a complex issue to knock off before lunch, but the first section of Territorial and Community Infrastructure relates to transportation infrastructure. The Draft Plan identifies I think two existing roads in the territory. We have received comments identifying additional existing roads, including Meliadine and Nanisivik. The Plan also identifies a number of proposed transportation corridors in the Settlement Area. In the Options document, there is a Mixed Use land use designation assigned to these areas, so there are no terms specifically attached to them. There are some acknowledged issues with this in that some of the proposed roads or corridors overlap with Protected Area where all-weather roads are prohibited. This is in conflict, which has been noted by several participants. There have been some suggestions to exempt the list...the areas that have been identified from the prohibition on all-weather roads. And I guess there have been a number of requests for clarification, and I'll guess I'll just hesitate from summarizing all of those and would allow the participants themselves to summarize.

David L: Alright. Luis.

Luis: Yeah, the post-corridors are before. Those corridors are before the designations have been granted by the NPC. There was consultation between government, especially the Government of Nunavut, Federal Government, Dene KIA. GN with understanding this will continue to be the corridor for the purpose of access for hydro generation and also transportation corridors. The map that you actually showed as the strategic planning for roads for GN is being also assessed by KIA in the feasibility study that we did for four years is being identified, is being consulted. Agreements have been reached at different tables for these to be the corridors at this point. That's calling an alignment corridor over post-corridor being selected. According to the Land Use Plan, we consult NPC on that. It's in the document, and we want it to continue to be a Mixed Use for the purpose of this Plan. Thank you.

David L: Thanks, Luis. Naida?

Naida: I would...I would just add to what Luis had to say that particularly with the corridor from the Manitoba-to-Kivalliq, a lot of the work has stemmed from what exists in the Keewatin Regional Land Use Plan. So there is a request to have some continuity between the land use plans and some consideration for that corridor, considering the work that has been done as a result of the Keewatin Regional Land Use Plan.

David L: Okay. Jonathan...Spencer.

Spencer: I just wanted to touch on the marine shipping component of this section, and just say that the Government of Canada supports a land use plan – an approach to a land use plan that both respects Canada's international obligations and builds on Canada's domestic regime. If there's more questions on that, we have expertise from Transport Canada that can kind of explain what the role in what these obligations are. Thank you.

David L: Thanks, Spencer. Anybody else for now? Yeah, please.

Oliver: Thank you, Mr. Chair. It's Oliver Curran with Baffinland. I'd just like to clarify with the NPC with regards to the approved southern shipping route for year-round transport of iron ore to Hudson strait and Fox Basin. I just want to confirm that that will be adopted within this plan.

David L: Who...Sharon you want to take that?

Sharon: I think right now I'm going to defer the comment on it, Oliver. The Commission's not going to comment on that right now. Thank you.

David L: Alright, Oliver please.

Oliver: Thanks, Sharon. I guess I'm just following up from a previous meeting that we had at the Mining Symposium, I guess back in 2014 where you had indicated that this Land Use Plan would in fact adopt the southern shipping route through the Hudson Strait and Fox Basin, as approved by the NIRB. So, is there a change in thought there?

David L: Maybe I can, I can anticipate to some degree. I don't know what happened at Mining Symposium, but I do know that it's the Planning Commission that makes the final call on the Plan before it goes out for approval. Staff will advise the Commission. I don't think the staff here are in any position to say something will be in the plan. They'll hear from the folks and pass the messages along, but in the end it'll be the Commission that makes the decision. I think you might just want to have to accept that for now.

Oliver: Thank you, David.

David L: Henry, and then we'll take a break.

Henry: Okay, thank you. I know I can speak with Baffinland on the side, but for the record, we met with Baffinland before on this shipping route before for the agency going through Hudson Strait a couple years back. I thought that they had rerouted their shipping route through Northern Baffin. We never heard from you again or NPC on their shipping route, because we're concerned with the wildlife in Nottingham and Salisbury. These are our prime hunting areas for walrus. Not only that, but I know that when the beluga are wintering, they are right along the shipping route that Baffinland wanted to use, so maybe someone can get back with us on this - because wildlife is still our priority as Inuit people. Thank you.

David L: Okay, thanks Henry. And with that, I'll call a break. We will resume at 1:15, and if the Planning Commission has any response to your request, Henry, we will get to it then. Thank you.

LUNCH BREAK

David L: Okay, we had a request from the Government of Nunavut – well Canada too, but the Government of Nunavut before we broke - to make a couple of points, and then the Government of Canada has offered to bring forward its Transport Canada experts to talk about shipping issues and so on if people have questions of them. So we'll kind of conclude the little bit of discussion that we left over just before lunch, and then we'll go to Transport Canada. Then people can feel to ask whatever questions they like, and then we'll get back to the more structured part of the agenda. So, Jennifer?

Jennifer: Thank you David. Jennifer Pye, Government of Nunavut. Yes, with respect to transportation infrastructure, the GN would just like to note for the record that, for instance in the case of the Nunavut –Manitoba transportation corridor that is proposed – and it is our understanding that there are other proposed routes, that the route may change with additional technical study and what have you. So just to state for the record that what's in the Plan could potentially change following, you know, further technical review with the agencies and bodies involved. That's all that we have to say on that point. Thanks.

But we would also like to perhaps raise to the group, discussions over lunch with other agencies and parties with respect to the caribou workshop. We would like to propose that perhaps at the end of the formal agenda, an additional item be added where we can have additional discussion regarding many of these sidebar workshops, particularly the caribou one, from our discussion of the group, to perhaps discuss expectations and outcomes that could come from this meeting. I

think it would be very helpful for those around the table to discuss that in more detail. Thank you.

David L: Sounds like a really good idea. Okay, Spencer do you want to introduce your guys?

Spencer: Transport Canada, please report to the main table.

(Laughter)

David L: Alright, before we do that, I forgot. Henry, we left the question unanswered.

Henry: Okay, thank you, Mr. Daniel L. That's what I think...Chair.

David L: You can call me whatever you like, Henry. I'll answer.

Henry: My friend, my buddy. Thank you. That question I asked was the shipping route. Because if I didn't ask it, and it's there, I would not feel good after a few years if I see walrus running away from the ships and the beluga running away from those ships with me having haven't said anything. I'm worried about that. Can somebody please say something to help me on this? Thank you.

David L: Thanks Henry. Well, we do have some help in that regard sitting now with the Government of Canada. Oliver?

Oliver: Thanks David. Oliver Curran with Baffinland. And thanks for those comments, Henry. So I'd just like to respond to Henry's comments, and I guess remind everyone here that the shipping route through Hudson Strait & Foxe Basin was part of a 4-year review period with a lot of consultation through the Nunavut Impact Review Board. The project has now been approved in our project certificate, and that shipping corridor is approved for transport of iron ore.

But, Henry, in response to your concerns, you may not know that as of the process, the NIRB directed our company to set up a marine environment working group, which includes all stakeholders, including Environment Canada. It includes Makivik, and the World Wildlife Fund, and Fisheries and Oceans Canada, the Government of Nunavut, among others. So as part of that Marine Environment Working Group, we have participation from Gregor Gilbert of Makivik who represents that agency. And so, he's a part of reviewing our environmental effects monitoring program for the project. In the even that shipping corridor at Hudson Strait is used, any of the environmental effects monitoring that's done as per our project certificate would involve review by Makivik. So I just wanted to put that on the record. Thank you.

David L: Alright, thanks. Henry, do you want to follow-up?

Henry: The reason why I ask was because nobody ever spoke to me about any kind of meetings on this. I'm sorry. Makivik never came to us to talk about this, and if they have come for you to talk about this, then maybe my question may not have been there. But if I don't know, if nobody has talked to me about this, I want to find some answers and maybe Mishal can help me as well. No? Okay, thank you. Just to let you know, as a person representing Nunavik Inuit, our concerns are much of wildlife mostly and the land, so if I don't ask questions like this, I would

not feel good. Let me know – let us know – the Nunavik Marine Region Planning Commission what you're doing. If something happened, if one of your ships came over and spilled whatever, walrus or beluga area, what would happen? What would they do if something happens like this, I think some kind of spill or contaminant or whatever. That's my concern. Thank you.

David L: Thanks, Henry. I guess that just underscores the need for open inclusive communication and no assumptions, you know. You can assume that Makivik has contacted folks but that may not be the case. So I think what Henry is saying in this case is that maybe the two of you need to talk directly and maintain that conversation. Go ahead.

Oliver: Thanks David. Oliver Curran with Baffinland. So to be clear, obviously there are no shipping activities occurring right now along that corridor. I think that's clear, and I think it's clear there is open dialogue occurring in the Marine Environment Working Group where Makivik sits. And Makivik was also represented in the Nunavut Impact Review Board hearings on the southern shipping route. So all the concerns that Henry brings up are valid concerns, and they were talked to at length over a 4-year process. So I appreciate those concerns, and they are representing in the Marine Environment Working Group, should that project be developed. Thank you.

David L: Okay, Henry.

Henry: Thank you. There are some ships going along that route also halfway for Raglan Mines. Sometimes we have some things going on with them, but it's the Impact Review Board who looks after these things. For me, it's just if I don't say these things, it's not right for me as the Chairperson for Nunavik Marine Region to raise these questions, concerns. Thank you.

David L: Okay, thanks Henry. I think I'll turn it over Transport Canada at the moment and we'll see where that conversation leads us and then, as I said, get back to the agenda later. So could you guys introduce yourselves, and we'll go from there? Thanks.

Dale Kirkland: Sure. Thanks David and thanks to NPC staff for giving us a few minutes to speak. My name is Dale Kirkland. I'm the Acting Regional Director for Programs for Transport Canada, and I'm based out of Edmonton. We thought following lunch, we would just take a few brief moments just to circle back to some of the points that were made on shipping. And following that, open up any questions or comments to perhaps my colleague and I on that issue.

So before doing so, briefly, as Transport Canada provided comments within the GoC submission related to marine shipping, and essentially those comments focus on input or marker down that there is a very robust domestic regime in place for marine shipping. And as well, we have a number of international obligations with respect to navigation and marine shipping. As well, Transport Canada has previously provided the NPC with information on the legal regime that governs shipping back in 2013 and 2014 for other processes.

This morning Spencer made a comment with respect to Foxe Basin and Moffett Inlet, and this arises from Transport Canada's comments to the NPC that speak to prohibitions – proposed prohibitions - on shipping in Moffett Inlet and parts of Foxe Basin, which require further discussion. In response this morning, we heard that conversation needs to occur. We're not quite sure where that conversation – or when – but nonetheless, we thought we'd sit here

today and maybe start to have that conversation here today if possible. So with that in mind – I appreciate the time - I'll pass the mike to my colleague to introduce himself and then David, I'm in your hands from there. Thanks. (Whispers): It doesn't reach very far, JD. I'm sorry. It goes the other way JD.

JD: Good afternoon. My name is Jaideep Johar. I'm Manager with the Marine Safety and Security, Transport Canada Office based out of Winnipeg. Further to the comments provided by Dale, and I would again like to emphasize the international and the domestic regulations that are in place for marine shipping occurring in the Arctic. In particular, in the Arctic, there are three main acts, which look after the operation requirements. One is the Canada Shipping Act. Second is the Arctic Waters Pollution Prevention Act, and states zero discharge is allowed in Arctic waters. The third is the Marine Liability Act.

The Canada Shipping Act governs all the marine activities. On top of it, we have Arctic Waters Pollution Prevention Act, which clearly defines that there is zero discharge allowed in the Arctic waters. That means any vessel operating in the Arctic is not allowed to discharge anything with regards to oil and other domestic generated waste. This is a very important concept when we regulate and monitor the Act. We have a binding agreement with the United Nations Convention on the Law of the Sea – UNCLOS - where the vessels have the right of innocent passage. However, these vessels are required to meet domestic requirements when they are entering our waters and they are navigating through our waters from east to west or wherever the destinations are.

I will just give you an overview of our activities to clarify what our role is and how we monitor these vessels. Any vessel that enters the Arctic zone is required to report to us their sail plan, their destination, and some of the requirements with regard to having insurance in place for navigating in Arctic waters. We review these plans, and if we find there is noncompliance, we direct the vessel, and sometimes we've taken action for vessels to go back and get the required documentation or required insurance policies for navigating in the Arctic.

Also to note that we monitor and look at the vessels operating in the Arctic by carrying out inspections and through our surveillance planes, which fly over the Arctic to find out if...in regards to pollution. There are regulatory requirements for vessels to navigate in the Arctic. Just for the information, the Arctic is divided into 16 shipping control zones. Zone 1 is the zone, which has the most difficult ice conditions, and the Zone 16 is the zone, which has, which doesn't have as severe ice conditions as the other zones. These zones are basically based on ice conditions. Vessels are required to be structurally built to go into these ice zones and into these areas. If you find that a vessel navigating in the zone is not complying with the regulatory requirement for construction, we prohibit the vessel, we give direction to the vessel either to take assistance from icebreaker, or wait for the ice conditions to improve, or take another route. In short, we would be pleased to continue to work with the NPC to support its Plan development. Additionally, we recommend that the Commission also engage us with other federal regulators and shipping industry to develop planning practices that are safe and ultimately responsible and practical. I would like to take any questions in this regard. As Dale also mentioned with our comments about restricting shipping in Foxe Basin and Moffet, we would really like to clarify why those restrictions are in place. Because prohibiting outright vessels may impact huge on communities, all the vessels that are in that region. Thank you.

David L: Thanks. I have a question right off the top. What's your oil spill response capacity, capability in the Foxe Basin? What oil response equipment have you readily available? Where would you draw it from in the unlikely event of a spill or an accident?

JD: Just for the record, oil spill response is the responsibility of the Canadian Coastguard. While I can't speak on behalf of them, but I can still provide you with information what's required from the regulatory part. Any vessel that's operating in Arctic is required to have a shipboard oil prevention plan. In case of the spill, they have to activate that plan, report the activities – those activities – to all to the federal agencies including Coastguard. The Coastguard become the on-scene commander and looks at the conditions and monitor the spill clean from the vessel. Canadian Coastguard will take the lead for the oil response if the proponent is unknown or unable to carry out the operations. But it is for the ship to make sure they have a shipboard oil pollution prevention plan, especially navigating in Arctic where the resources are scarce. So this is our recommendation, and this is our regulatory requirement to any proponent operating in the area, in the Arctic, to have a shipboard oil pollution prevention plan, which is approved by Transport Canada, which addresses the spills.

Also we have been working with some proponents where they demonstrated the extra step and they have gone to take some assistance from response organizations, like the one from UK or the one from South of 60. So, just to mention that we have this robust regulatory regime, and we monitor what plans the vessels have before they enter the Arctic. But with regards to how the spill response will be conducted, that's for the Coastguard to be able to answer that question.

David L: Okay, just a little bit of context for that question. I was the head of delegation for the Emergency Preparedness, Prevention and Response Working Group of for the Arctic Council and I worked a lot with the Coastguard folks. And I guess I can say that at that time, the resources available to Coastguard in the Arctic were limited. Reliance on the ship to be kind of a self-contained operation is kind of the default position, but I hope that Coastguard – and I'm sure they are - is looking at this and trying to beef up their response capability. Peter, you had a question?

Peter: Thanks. Peter Scholz, Nunavut Planning Commission. So I have a question about an interpretation, a WWF interpretation of the current regulatory structure in Northern Canada. The focus that I'm getting at is when Nunavut Planning Commission processes indicate that an area should not be accessed by ships, or certain ships or at certain times, is that enforceable under planning legislation or is that enforceable through other marine legislation? I'll now go into the source, and I'm hoping that our WWF member will be able to comment on that.

So the understanding that I have right now is that United Nations Convention on the Law of the Sea established to be a framework for more detailed regional marine regulations. And I have a quote from WWF from Dr. Saxena who is a professional marine lawyer, from 2009, which says, I quote: "All enclosed or semi-enclosed ocean waters are governed by regional governance agreements developed under UNCLOS. WWF believes that such rules should be developed for the Arctic ocean - and in this case specifically the Arctic archipelago and related areas, Nunavut Settlement Area – re-propose combining key elements of the Convention for the Protection of the Marine Environment for the Northeast Atlantic, which is OSPAR, the Convention for Conservation for Marine Living Atlantic Resources (CCMLAR), and Regional Fisheries

Management Organization (RFMO), and International Maritime Organization (IMO) regulations and a binding enforceable structure.”

Okay, this could get really legal really quickly, but really I’m focusing on when the communities say, “Please don’t send cruise ships into within a 5km or 10km – or whatever range on Walrus Island – and the Plan says the cruise ship is prohibited, is that binding under the Plan or would we have to look at amending marine regulations or some other system? Thank you.

David L: Brandon, do you want to fill in some of the gaps as these guys caucus?

Brandon: Brandon from WWF Canada. I’m a little caught off guard with that comment in terms of ability to respond right now. I know it is one thing that we came here to learn more about in terms of the enforceability of the Plan in marine regions when it comes to shipping. I’d have to review our previous submission to comment fully, and I can follow up with that later. But it was a question I was about to ask the Transport Canada guys in terms of if the Plan came out, there are two small areas now where shipping is drafted to be prohibited. Would that have a legal basis under international laws? So I’m sorry I can’t answer that, but it’s something that we’re trying to figure out too.

David L: Okay, thanks Brandon. Dale, JD?

JD: First of all, I would like to comment on what you have provided. Recently there were reviews of tanker safety in the Report North of 60 where there are recommendations North of 60 with regard to spills also. I believe the Government of Canada is working on those recommendations, which include spill response.

With regards to your question of Walrus Island, I just want to find out that when we look at the submission here we have for DNLUP Land Use Plan, there are some setbacks for marine shipping. We’re talking about migratory birds. So what I would conclude is that there is a process. There are setbacks. My only caution is that if there is something that is required to be put for ships to be so many miles away from any island or any place, we need to be concerned with communities also, with industry also, to make sure that the alternate route is viable and it is safe. We have to look at a broader perspective. We don’t want to also take the ship away from the normal route and have the ship go to the areas, which are uncharted. So, subject to safe navigation considerations, this can be worked with. Thank you.

David L: Okay, thanks J.D. Just as kind of a follow-up on that: Is that the Notice to Mariners approach? So it’s not...I mean the captain always has the final say, right, in terms of safety of the ship and so on? So it’s serious advice, but it’s not a regulatory binding requirement? Okay. Other questions, comments? Sharon?

Sharon: Thank you, David. I’d like to thank Transport Canada for sharing the regulatory regime in which they work. And I’m wondering if you can provide the Commission with any information or links to reports that would identify a contingency plan for oil spill cleanups under ice or in ice-condition water, if you could provide us with any insight or any linkage to information or reports. Thank you.

David L: JD?

JD: Transport Canada, JD here. I will surely look into some publications, which have come to our knowledge, and also the study that was taken by...undertaken by Tanker Safety experts, where they have specified some publications with regards to that. Also I will ask my Canadian Coastguard colleagues, because they are the organization responsible for looking at the spills, and I will get back to you on that.

David L: Thanks, JD. Barney?

Barney: Thank you, David. Barney Aagark, Mayor of Chesterfield Inlet. Coming from Chesterfield, we have a really busy shipping route right by Chester throughout the summer, right from ice breakup until ice freeze-up. During NPC's community consultation, I'm pretty sure this was brought up to the NPC about the shipping going by Chester almost daily. One of our main concerns was a bit of a follow-up of what David asked in the beginning about the emergency response. Our community's main concern is the inlet between Chester and Baker Lake. There are some very narrow gaps there. We've heard of some ships touching bottom, and we've heard of ships beaching. With that being said, an emergency response is something that we really want in Chester. Because our hunters are going to be more than willing to help voluntarily if something happens, because that's how much they care about our sea mammals around our area. I've been raising this concern for a number of years now, and I will continue to raise this concern until we see something happen. Because I don't think anytime soon the shipping will stop going by Chester, heading up to Baker Lake. That's all I wanted to say for now. Thanks David.

David L: Thanks, Barney. Yeah sure, David.

David B: I was just going to ask if you could clarify for the group. You referenced the international agreements for shipping. You mentioned the term the Right of Innocent Passage, I think. Could you maybe explain what that means?

JD: Basically what it means is that if a foreign vessel is coming to, let's say Canadian waters, or a Canadian vessel is going to some other waters, they have a Right of Innocent Passage. That means, we will not ask the vessel to stop or to come to our area if they meet the regulatory requirements. So basically that's what it means and entails.

David L: Alright, other questions, comments from anyone? Oh, there's one at the back. And Liz. If you could introduce yourself, that would be helpful.

Deborah: I'm Deborah (?). I live in Iqaluit. I have one question. Is there any legal...does Nunavut Government have any legal responsibility if there is an oil spill to clean up? And who has the legal responsibility to clean up oil spills anywhere in Nunavut? As you well know, Inuit are against contamination. We have already been contaminated by the Armed Forces. We don't need other countries doing that too. So what are...anybody here, can anybody here answer that?

David L: Thanks. JD or Dale, do you want to take that on? Then I'll turn to the GN.

- JD: As I had mentioned earlier, it is the responsibility for the vessel to carry out the clean up operations. We make sure that the vessel is complying with all the regulatory requirements that are in place, including having plans on board and cleanup equipment on board. Also, when the vessels are discharging at a terminal, let's say, at an oil handling facility in Baker Lake, there is a regional requirement for the facilities to have oil and pollution emergency plans where they work with the vessel to make sure the spill is cleaned up. And also under the Under Marine Liability Act, there are provisions in place to compensate community if there is a spill from the vessel.
- David L: Ok, so JD, in partial answer to the question, it's a federal responsibility effectively, and the GN has little or no direct responsibility for cleanup?
- JD: Yes. If the spill is not land based then it's our responsibility.
- David L: Okay, thanks.
- Deborah: If the spill is land based, who is responsible?
- JD: That would be the territorial and provincial governments and Environment Canada, depending on the spill.
- Deborah: And to whoever is responsible- the Environmental Minister or whoever is responsible, who would notify...How would the process be, if say like God forbid, in Iqaluit there is an oil spill. Who would respond right now, because we have a very sensitive area, our fish, our seals, everything that we eat. They cannot survive an oil spill. It is very important for me as a Nunavummiut to know who responds and how it's cleaned up and how fast.
- JD: I would like to add that there are regulatory requirements for any shipmaster or the oil handling facility to report to the Marine Safety and Security and inform the concerned parties if there is any spill. The Coastguard is the response...they are monitoring the response when there's a spill on board. I can't speak on behalf of spills from the land. Maybe I would ask our GN colleagues to speak on that.
- Deborah: Thank you.
- David L: Jennifer.
- Jennifer: Thank you for your question. Unfortunately, we don't have the technical expert to use here to give a precise answer. However, what we can say is that there is a 24-hour spill response line. We also have spill response officers who would be the people responding to any kind of spill. However, if you would like more information, we can work with you later and get your contact information to provide a more precise answer with more information once when we've followed up with our department.
- Deborah: Thank you very much for both of you partially answering it. But this 1-800 number, this is the first time I've heard of it. Have you broadcasted it or announced it publically, the number itself, to the HTA? The hunters know right away before any ship, so they would help you if you inform

them of the 1-800 number. I have confidence in all the community hunters and families. We have families here.

Jennifer: Thank you for your concern. Again, there's no technical expert here to answer that question. But it is my understating that the information is available and has been posted publically – the spill response line. But again, that is a good concern and thank you for sharing it. It's something we can take back and you know...to ensure that this number and this information is widely known throughout town and throughout the territory itself.

Deborah: Thank you for answering the question about the 1-800 number but I would like whoever's chairing or whoever is writing to say...make a recommendation or whatever a motion that the 1-800 has to be publicized. The more people Inuit know of this from their own community, they will call it. They're the first response team. They're on the ground. They're in the sea. So I would like that recommendation -that motion -to whoever is doing this. Thank you for your time and your patience, and thank you Chair for allowing me to question this.

David L: Thank you for raising your concerns. And we'll follow-up, GN will follow-up with you directly. This isn't a place for making motions and passing resolutions, but we've heard clearly your concerns. And I would suggest that they are shared widely. So thank you.

Deborah: Thank you, but I expect a response for that 1-800 number being made a motion – here, anywhere, whoever makes the motion.

David L: Well as I said, this is not a hearing or a council meeting to make motions. I think you'll find...excuse me. I think you'll find that if you go to the HTA, you'll find the 1-800 number posted on the bulletin board. And you'll find it on any website, and I think you'll find it in the telephone book as well under Emergency Response. There's an emergency spill line, as people have said, a 24-hour spill line. The information is available. The network is in place, and I would expect that the HTAs are part of that network.

Deborah: Thank you. I didn't know that all that information was available. Well that's what I was questioning. And, also I would like the manpower for whoever has to take it. There's lots of people here. There's lots of brains. You know, what's going to happen if there's a spill? Who's going to respond? I don't care who is responsible for paying it. We know the Federal Government eventually will, whoever spills the oil will. But somebody has to respond to an oil spill immediately.

DAVID L: I think we all agree on that too. And I thank you for your comments and your concerns. We'll have to move on now.

Deborah: Thank you.

David L: Are there any other questions of Transport Canada? Yeah, Liz?

Liz: Yes, thank you. My question is whether you could please clarify that Transport Canada does not support any prohibitions on shipping in the Land Use Plan, including seasonal restrictions? Thank you.

David L: Thanks, Liz. Yeah, Spencer?

Spencer: Sorry, since we're on the record – Spencer with the Government of Canada. I just wanted to clarify a few things. Responsibility for a spill rests with the proponent or whoever did the spill, right? So in the event someone does spill, we do have a 1-800 contingency line that's called up, and then that gets sent out to parties that are responsible for monitoring spills. On land – Crown land - Aboriginal Affairs is responsible. So, we enforce and monitor that the person who did the spill does the cleanup. We just wanted to make the clarification. I know that's how it's mostly handled. And further, the spill line number, which I texted to get it from the office – I don't know it off the top of my head; I don't spill much fuel - is in every permit that is issued to go on to Crown land. So anyone who is taking fuel into the territory or using it should know that this 1-800 number exists. Sorry. Thank you.

David L: That's good. Thanks Spencer. Just to add to that, in the event that the individual organization that caused the spill is unable to clean up the spill, then government steps in and usually - well always – tries to recover those costs. But government is the backup in the case of the proponent being unable to clean up properly. Any other comments, concerns from folks? Questions? Liz?

Liz: Yes, thank you. Elizabeth Kingston, Chamber of Mines. Would you like me to repeat my question? Thank you.

JD: No, I'm fine. We do not support any outright prohibitions for shipping.

David L: Okay, sorry I missed the absence of the response. Any other comments, questions? Alright, one of the dangling issues, I suppose, is the follow-up meeting that you're looking for. I think the best thing to do is simply to talk to the folks that you would like to include in the meeting and try to find an agreeable time. It probably won't happen around this table at this point, but during the coffee breaks or after the meeting, I'm sure you can find people and sort something out. Dale?

Dale: Thanks, David. Dale Kirkland. JD and I will be here for the next few days, and during coffee breaks we would be more than willing to have conversations with folks. But I just want to get on the record that Transport Canada will not be creating some sort of working groups or a committee to discuss shipping issues. Thanks.

David L: Alright, thank you. Shall we get back to where you left off, Jonathan? Alright.

Jonathan: Thank you very much David. We left off on Section 4.2.2, Unincorporated Communities. The Draft Plan identifies two unique unincorporated communities of Bathurst Inlet and Umingmaktok that are not recognized by the government as municipalities, but are also not outpost camp. Recognizing the unique position that they're in, the Land Use Plan identifies a 2km buffer around the communities themselves and assigns a Protected Area designation that prohibits certain uses. I'll just note that the 2km buffer was taken from the Land Claims Agreement as the extent with which certain rights are available around outpost camps. We acknowledge they are not outpost camps, but that was the source of the 2km buffer that has been used. And I don't think there were any comments on these areas.

David L: Any comments now? Luigi.

Luigi: Luigi Torretti, Kitikmeot Inuit Association. The 2km radius is acceptable to the Kitikmeot Inuit Association. We did provide support for those communities to be listed in the Land Use Plan. It's a sensitive matter, and longstanding or longstanding denial of services to those communities, and that's something that the KIA and the GN and other agencies would probably have to get involved in with discussions, but we do appreciate those communities being listed in the Draft Land Use Plan.

David L: Thanks Luigi. Any other comments? Alright, Jonathan, next please.

Jonathan: Thank you very much. Moving on to Section 4.3, Alternative Energy Sources. The Plan identifies three sites for their hydroelectric generation opportunities. Two of these are in the Kivalliq region along the Thelon and Quoiich Rivers. A third is identified here in Iqaluit near Jaynes Inlet. They're all are Special Management Area land use designations that prohibit other uses. I would note that in particular, the site along the Thelon River is not identified for its potential to be dammed or blocked. The area is unique in that it identifies a particular bend in the river where it would be suitable to use – I believe the phrase may be “run of the river” power generation to send a certain amount of water over a hill through a turbine and then deposit it back in the river on this unique site. So it identifies a 100m buffer around the area. The other two sites in the Plan there would be reservoirs, and the Plan identifies the footprint of what the reservoir would be.

I'd also like to note that there are some basically scale issues with Schedule A. That's been pointed out by some participants in that they're not visible. It's an oversight on our part by not labeling them as specific points with labels on them. They're there, and you see them in the digital data. It's just not visible on the scale, and they didn't get a label. But they are there, and we would revise the Plan to more clearly illustrate them.

David: Okay. Any comments, concerns? Yeah, Joanne. Rosanne. I need some more coffee.

(Laughter)

Rosanne: Thank you. Rosanne from the QIA. So I wanted to comment on the one site that is within our region- Jaynes Inlet. It's not....so this site was included in the previous review that NIRB did the screening and I guess the beginning of the review of this project. It's not clear to us at this moment if there's continued support from the community for that location at Jaynes Inlet. I also wanted to comment because I had a chance to flip through the Government of Canada's submission. They've suggested that Armshow also be included in that section. Based on the comments that QIA submitted to NIRB through that review, it was very clear that we did not support the Armshow location. And I can confirm that we continue not to support that location for hydroelectric potential. So I would....from our...I guess I don't know if it's a recommendation but to confirm the continued support on the Jaynes Inlet, and we support the fact that Armshow is not currently included in the Plan.

David L: Okay. Any other comments? Observations? Yeah, Luis.

Luis: Yes thank you, Mr. Chairman. Luis Manzo for Kivalliq Inuit Association. The recommendations or the provisions for 100m buffer in the Thelon. Without an existing IIBA, I don't know how you

can reference to 100m buffer as any specific activity use for it or you use the Thelon Management Plan to reference the 100mg buffer for each side of the river for the hydro-generation, so no activity.

Jon: Sorry, I'm not 100% sure on the question. But I'll just try and clarify that it's a 100m buffer from the specific location where the infrastructure would be located. It's a unique point along the river where there's a particular bend and a fall, perhaps or something. So it's a very localized site where the infrastructure could be located. So the Plan is attempting to manage the area in light of that very unique value and very confined location, which the turbine would need to be located.

Luis: Thanks for the clarification. I just wanted to make sure. Thanks.

David L: Thanks. Yeah, Jennifer.

Jennifer: Thank you David. Just going back to the Armshow South site that was mentioned by QIA, the GN did include a comment in our submission with respect to this site. While we do respect obviously the views of the QIA on this matter, we are seeking clarification in this particular example for Armshow South. It's a unique circumstance, in that it is located within a territorial park awaiting full establishment. However, the Armshow South site is in the process of being reviewed, which under the Plan, it's our understanding would qualify it for having existing rights. So I guess we're just seeking clarification from the NPC on how this be considered in the future...in the Plan? Thank you.

David L: Jonathan?

Jon: I guess to clarify, the intent of identifying these area is to manage them for that future use. So if they are on the ground, it's in review, and the project has been proposed and has proceeded along, then it would have existing rights, and there would not necessarily be a great benefit from the Land Use Plan as identifying it as a Special Management Area in order to ensure that value remains in place. If it's on the ground it would have existing rights, and there might be reduced value in including it in the Land Use Plan itself, regardless of the other considerations that it's a territorial park or QIA does not support it.

Jennifer: Thank you for your response. No further comments at this time on this. Thank you.

David L: Thanks Jennifer. Any other comments at this point? Okay, Jonathan. Next please.

Jonathan: Thank you very much. The next subject, 4.4.1 Community Drinking Water Supplies: The Draft Plan splits this into two distinctions sections: 4.4.1.1, which deals with drinking water supplies that are completely contained within municipal boundaries. Municipal boundaries in Nunavut are fairly large, and a number of communities draw their drinking water from small lakes that are entirely contained within the boundary of the municipality and are subject to municipal land use plans. So in the spirit of discussions that have previously taken place, those areas were assigned a Mixed Use designation and would be subject to the conditions of the community land use plan that applied for drinking water supplies.

David L: Comments? Yeah.

Naida: Naida Gonzalez. This is an area where NTI and the RIAs contracted a water quality expert to assist in developing the comments. The comments that we got back was that they had a concern that all the inputs in the watersheds hadn't been taken into consideration for the four that are not included as Special Management Areas. So those would be Gjoa Haven, Igloolik, Clyde River, and Iqaluit. And is it possible to get more information on how those watershed boundaries were delineated? I looked at Table 6, but it doesn't provide enough information to assist the contractor in this case to be able to do more of analysis.

Jon: Thank you, David. In terms of the criteria by which they were designated Special Management Area or not was done exclusively on the basis of the municipal boundary. So I don't have an access to the count of which ones fell in which category, but that is my understanding of how each were designated. We can look at that in more detail, if we'd like to look that up.

Regarding the specific issue of how they were delineated, that is an interesting story. We recognized early on in this development process that community drinking water supplies were an important aspect of land management in the territory. And we attempted to locate these areas, specific shape files, with which we could delineate them. We were unable to locate them from any organization. The Nunavut Water Board did not have delineations of the community drinking water supplies. Natural Resources Canada did not have them. Community and Government Services did not have them. We were not able to acquire them back in 2008, 2009.

At that time, our staff used – I can't reference the scale of mapping – but the best contour mapping and elevation models that we had, and digitized them in-house based on the contours and some truthing such as it was with Google Earth. We recognize the limitations of that, and if anyone has more precise information, it would be greatly appreciated. I know there are certain instances where there may be better mapping available, in particular within municipal boundaries. The current Draft identifies those as Mixed Use. But that is the source of generally all of the community drinking water supply watersheds, and I'll note that they were taken from the intake point. So if it was drawn from a particular river, the watershed is defined from where the intake point is along that river. If it's a lake, it's from the watershed of that particular lake. So again, that's what we're using, and if someone has more precise information, it would be welcomed.

David L: Thanks, Jonathan. Any follow-up?

Naida: I have a follow-up question. So just to understand, within municipal boundaries then, is it safe to say there is more confidence in the delineation of the community water source? Was there more information within municipal boundaries than in areas where the water source is outside the municipal boundary? I'm just trying to clarify where NPC most needs information. So I mean, we've looked at those four communities and have concerns that the watershed areas fall outside municipal boundaries, which is not indicated right now. But, generally, a review of all the watershed information would be useful.

David L: Jonathan?

- Jonathan: In general I mentioned there would be benefit of reviewing the information that's being used. Sorry, I'd just like to clarify, you've identified four watersheds that fall outside municipal boundaries that have not been designated Special Management?
- Naida: Yes, to be clear, that's what the technical reviewer on issue identified that the knowledge that they had that the watershed boundaries were larger than municipal boundaries and should have Special Management Area designations.
- Jonathan: Sorry, I assume this is in the submission, but can you just mention the four communities if you have it in front of you?
- Naida: It's Gjoa Haven, Iqaluit, Igloolik, and Clyde River.
- Jonathan: Okay, I'll just note that Igloolik, their water supply is on an island, which is entirely a municipal boundary, so that one in particular. Yeah, our information is saying Gjoa Haven as well is within the municipal boundary so.... Sorry, Peter has just confirmed that according to what we have in the Land Use Plan, those drinking water supplies are entirely within the municipal boundary. So if the consultant you're speaking with has different versions of these drinking water supplies, that's obviously of great interest to us and all the participants.
- Naida: We'll go back to them and....bring back to you whatever we have.
- David L: That's great. Thank you. Sharon.
- Sharon: Thank you David. Sharon from NPC. If NTI has any specific recommendations to improve the protection of the community water drinking sources, the Commission would also like to hear NTI's recommendations on that. Thank you.
- David L: Okay. Thanks, Sharon. Any other comments? Yeah, Jennifer.
- Jennifer: Thank you David. Jennifer Pye, Government of Nunavut. The GN included in our submission, a comment respecting community drinking water sources outside of municipal boundaries. We would like to note that these areas are extremely important for public health and for ensuring safe drinking water. We need to protect the sources. The Commission designates them as a Special Management Area. However, our recommendation is that perhaps – and I'm not sure if this is process question – perhaps it could be beefed up a little bit, so that, you know any proposal that is proposed a community drinking water source watershed would you know, be able to identify in their proposal....like just identify those facts in their proposal, their location within the watershed, potential impacts, mitigations measures, just that kind of thing to beef up that recommendation for community water sources outside municipal boundaries. Thank you.
- David L: Jonathan?
- Jon: Yeah, thank you, Jennifer. This is an example that was popping in my mind in previous discussions about this idea of can the Commission require or encourage or do something to encourage proponents to submit information in advance of a conformity determination. So it came up with community consultations, I think in a similar vein with the QIA's proposal to have certain events take place and be submitted. It is a bit of a procedural nature. There are other

ones that I'm again forgetting, but that type of management in the Plan is something that we have questions about our authority to do so -like if we are able to, you know request a proponent to identify mitigation measures or whatever the language would be to address impacts on community drinking water supplies. We would be unable to be in a position to the validity of those measures. But I think the point is being raised that there could be some requirement to submit them, and we have questions about our ability and value of doing that.

And also, sorry, we've segued into second part of this section on drinking water supplies. And Peter has just reminded me to reiterate what the Plan does recommend in this section. So we do apply direction to regulatory authorities to the Nunavut Water Board to mitigate impacts on the drinking water supply, and also identify the area as concern in regards to cumulative impacts. We consider this to be a strong example of a geographic area that there could be cumulative impacts concerns where below-threshold projects could be referred to the Impact Review Board for consideration as well, that being framed in the context of the recommendation that the GN is proposing that there could be almost an informational requirement that the proponent would submit – almost a description of making explicit reference to what they're doing in consideration of the value of the area.

David L: Okay, Jennifer?

Jennifer: Thank you, Jonathan. I'll just follow-up. Thank you for that. I understand, of course, this is something that you – the NPC will need to discuss further and determine, yeah, what your authority might be in this particular circumstance. As with the other examples that were raised by other parties, we appreciate that and look forward to the NPC's recommendation. Thank you.

David L: Thanks Jennifer. Any other questions, concerns, observations here? Okay next section.

Jonathan: Thank you very much, David. We now start into a bunch of sections that have a lot to do with- sorry, apologies. We're now on Land Remediation, Section 4.4.2. This section identifies several DEW line sites that are in various stages of remediation and assigns a Special Management Area that prohibits a large number of uses. I don't have any specific notes in this particular case. But I'll just stop and see if there's something that anyone wanted to flag.

David L: Anything? Apparently not. Jonathan, carry on.

Jon: Thank you very much, David. Section 4.4.3 segues into Contaminated Sites. Now in this case, Aboriginal Affairs maintains a list of Northern contaminated sites programs, sites that have – maybe I shouldn't paraphrase what the list is and who is responsible for what. But in any event, Aboriginal Affairs has identified 14 sites within that list that they administer where they are a concern for public health and safety. The list is extensive, but 14 sites have been identified. And a Special Management Area has been assigned that prohibits additional uses.

Canada did provide some comments on this, identifying that as sites are remediated, they would be open to future uses, and there would only be a certain subset of uses that would...that should remain restricted. I was just a bit confused as to how that subset of uses could possibly be incorporated into the Land Use Plan given the timing of where these sites are in their remediation plan.

David L: Spencer?

Spencer: Thank you. This is Spencer on behalf of the Government of Canada. Our Contaminated Sites Program has an open use of land. So I think at the heart, what we're trying to do, as remediated sites become remediated, we want to open up as much land as possible for future use. So, arguably we just wanted to delineate maybe smaller pockets where landfills may exist, where they shouldn't be used. So I think that's our intention. So as sites become remediated, we'd have to work with the Commission to let them know, so they could change the Schedules at the back to you know, reflect the situation on the ground.

Jon: I'm sorry, just to further clarify: The sites that have been identified – those 14 - are not at such a stage where the smaller subset of uses, like drilling over a landfill site for example – they're not at a sufficient stage where the smaller subset of prohibited use is appropriate. These 14 still require more general prohibitions, but sometime in the future, as they are remediated, those prohibitions could be relaxed

Spencer: That's my understanding. Although, where's the 14? I just don't have it. It's probably not appropriate to go through them one by one right now, but I do believe what we're pitching right now.....right...yeah, so those would stay as is for future open land uses, remediation concludes.

David L: Okay. Jonathan then Peter or Peter then Jonathan. Peter then Jonathan.

Peter: Thanks, Spencer. Can you summarize the prioritization system that the Government of Canada uses for deciding what order to spend to clean up the contaminated sites?

Spencer: We certainly have a program, and you know, there's federal money to fix that program, that is dedicated to it. So there's a....I do believe it's a national program, if not northern, pan-northern program, and it does have priorities. I can share this information on how they're prioritized. I think that would be best than speak to it. It's quite a complex undertaking, but very thorough.

David L: Jonathan, did you have a follow-up there?

Jonathan: No, that's clarified the point for me. I was just thanking Spencer.

David L: I could use a point of clarification, and it probably shows how long I've been out of the picture on this, but what about the DND sites?

Spencer: Yeah, when the DEW line sites closed down, AANDC or INAC took some responsibility for some, and DND retained responsibility for others. To speak specifically to the DND ones, it would probably be best to call on Dwayne James maybe to talk about them?

David L: Come on up, Dwayne.

Jonathan: While Mr. James is coming up, I'd just like to note that this list of 14 includes several former DEW line sites, and the other sites are addressed in other areas.

- David L: Okay, it wasn't real clear to me. It looked like it was all AANDC sites. Dwayne? Thanks.
- Dwayne: Thanks, David. Dwayne James with the Department of National Defense. So the Department of National Defense shares the responsibility of the DEW line clean up. Half the projects, or half the sites are with AANDC and half with the Department of National Defense. Those sites are currently in the environmental remediation phases and monitoring phases. And I guess similarly to AANDC's point, we would be looking to have restricted access as well because of the sites that are being remediated or cleaned up and monitored.
- David L: Okay, and so is that...I guess what I'm really looking for is I don't see any reference to the DND sites in this particular section. I wonder if I'm missing something.
- Dwayne: Yeah, Dwayne James, Department of National Defense. I believe our sites are covered off in the next section under 4.5. It goes through the various DEW line and North Warning System sites.
- David L: Okay, thanks very much. Just another historical note: I was involved in the remediation of Resolution Island, which was quite a project. I haven't been back there since, but I think it's relatively clean now. I was also, way back when, involved in offshore research, and one of our ships sank in the harbor at Resolution Island, the MV Minna. I suspect it's still there in one form or another.
- Dwayne: And I do believe Resolution Island was the first part 5 review under NIRB as well - another historical milestone.
- David L: And I had the pleasure of being the Government of Canada's lead on that NIRB review and the water board part of it too.
- Dwayne: We had cake when it was remediated.
- (Laughter)
- David L: Alright, enough history. Jonathan.
- Jonathan: Thank you very much, David. We'll now move on to Section 4.5. The first subsection in here deals with Department of National Defense Establishments. In this case, these are not the DEW line or the North Warning System sites. These are additional areas like Alert, Eureka, Nanisivik, a number of high Arctic data communication system microwave repeaters, basically a number of different National Defense sites. The Draft Plan proposes they be designated Special Management Area and prohibits other uses. There is a point of clarification. National Defense has written a letter stating that these access restrictions may not be appropriate. This is a change from previous draft and previous correspondence. They have reiterated an earlier concern regarding notifications and that type of requirement. I guess staff are just looking for a bit of clarification or elaboration on what exactly is being proposed at this time for these establishments.
- David L: Dwayne?

Dwayne: Yeah, thank you, David. Dwayne James, Department of National Defense. I believe we also have Greg Matthews from Department of National Defense who is likely on the phone right now. So, Greg you can chime in if there's anything here that you need clarified as well. So the intent, I know from the definitions of the Special Management Area –it was a bit concerning for the Department of National Defense.

We have some areas where obviously there are some restrictions that are required. There are some restrictions related to various developments. The letter that was written by the Department of National Defense to the NPC intended to clarify some of those setback requirements, specifically for random setbacks, establishing a zone to minimize the impact of electromagnetic interference on its facilities. Setback around the radar towers has been set at a distance of 8km. Also within that, there were some aerodrome safety zones established around DND airfields and landing pads to ensure continued safe operation of aircraft. And the rate I have, been set at 4km, 2.5km, and 1km intervals, applicable to the runway, helipads and refueling points, respectively. So DND, I guess is in agreement to redefine those lands currently termed SMAs in order to displace some of those restrictions. However, what we do require is that the above zones remain in effect and remain part of the Land Use Plan. Thank you.

David L: Jonathan?

Jonathan: Alright, thank you very much. I guess we'd just like to confirm: those values that you've spoken about with electromagnetic interference on particular infrastructure had previously been identified, and the result of years of discussions were the Special Management Area designations as proposed, which outright prohibited generally all other uses within these areas. We appreciate that the concern in these cases in regards to aerodrome safety and electromagnetic interference. If we are to remove the prohibitions that are in the Plan, are there specific...thank you yeah. So the Plan does prohibit all uses except Government of Canada activities. Recognizing that the concern is perhaps more specific, and this may have been an overgeneralization, is there...is National Defense particular uses that should be setback from these areas or are all uses required to be setback from these locations? If that's so, would that effectively be the designations as they are?

Dwayne: Thank you, David. Dwayne, Department of National Defense. I guess the intent was to ensure development in the area does not negatively affect the function of the radar insulations and the movement of aircraft traffic to and from the sites. There's no intent to restrict Inuit access to the area for hunting and harvesting. Again, the intent was to ensure that ongoing operations are not impacted, and access remains unimpeded to the sites. Thank you.

David L: Great. Thanks, Dwayne. Anything, Jonathan?

Jonathan: Yeah, I guess we can carry on the conversation, perhaps. This is maybe not the best forum to do it here, but yeah, I'm still not entirely clear as to what the Plan would be revised to include to address the concerns that have been identified. But that might be best addressed in a side conversation.

One other comment that I just wanted to note in the submission, I believe the same letter. It references concerns over a seismic research facility in Cambridge Bay, and its absence from the Draft Land Use Plan. Again, like a broken record, that is a result of these municipal boundaries

being designated Mixed Use across the board. So the seismic research facility is in – or primarily within - the Cambridge Bay Municipal Boundary, so it's not identified.

David L: Okay. Comments from anyone else? Yeah?

Naida: So we had a few questions related to this. Just to follow-up on the last comment: It wasn't clear to us in the letter whether that seismic facility – the 1968 agreement - whether it all falls within municipal boundaries, or can we expect that there's going to be a new additional site in the Land Use Plan based on that comment by DND in the letter? I'm not sure. DND suggests that there is something absent from the Plan. You're saying that it's all within municipal boundaries. I'm just trying to clarify – is it all within municipal boundaries, or does some of it fall outside?

Jonathan: We'll just bring up the area on the map here for reference. But I know there's a large polygon submitted in the area around Cambridge Bay. I guess I won't wait on memory. We'll just bring this up here. Yes, that large rectangular area. That has been clipped to the Cambridge Bay Municipal Boundary. I'm not 100% clear on if that very large footprint represents the extent of seismic activity monitoring or if it is within the Settlement...the municipal boundary. Does DND have any clarification on that?

David L: Dwayne?

Dwayne. Yeah, hi. Dwayne James, Department of National Defense. I'm not exactly certain whether or not that's the full extent. What I do know from the information I have: The area is 400 square miles. And I'd have to go back to some of the records in order to really validate the polygon that's in front of us and whether or not that's the full area. Thank you.

David L: Well I guess that's the request for clarification. Yeah go ahead.

Matthews: *(Phone. Audio was turned off. The following is an approximation):* It is the full extent for the 1968 agreement. There are numerous overlaps to be recognized.

David L: Okay, thank you. So we'll get some clarification on the extent of the seismic array inside and outside the municipal boundaries. Miguel?

Miguel: I guess I'm just a little bit confused. I mean that hexagonal shape that we're talking about is the municipal boundary, but the big square area is the seismic array.

Matthews: *(Audio marginally audible. The following are bits and pieces):* Again that is the facility....it's a smaller facility...in Cambridge Bay... three parcels controlled by the Department of National Defense. That operation, the seismic array is actually...beyond that...

David L: Okay, bottom line is we need a good map. Sharon?

Sharon: Well we need clarity around it too, so it's definitive.

David L: Alright, so that'll be the DND and Planning Commission getting together and sorting this out. Okay. And that, of course, will be posted on the website.

Naida: And for the rest of the DND sites, I think starting 130, we have a question related to the list of prohibited uses. We understand from the submission that DND has said that the Special Management Area that exists is too restrictive, and there's suggestion that activities related to Government of Canada activities and Government of Nunavut – and you've added the Government of Nunavut activities as being plausible within that Special Management Area. There were discussions – preliminary discussions - that the Special Management Area could be lifted and notification system placed there instead of Special Management Area. I'm wondering if other type of activities like mineral exploration, are the type of activities that could occur within that zone or not?

David L: Dwayne, you want to take that?

Dwayne: Hi, Dwayne James, Department of National Defense. Greg, do you have any insight into that question?

Greg: *(Audio cut off)*

David L: Okay, thanks Greg. Naida?

Naida: Just to clarify that there is a considerable amount of Inuit Owned Lands involved with these sites, so there is an interest in resolving the issue and what the list of prohibited uses – if any - are required in and around those sites.

David L: Okay. So I'll...I think we can...I think we've got the essence of it. DND, NTI and the Planning Commission will have some work to do to clarify the situation and then bring some certainty to the maps that are going to be posted. Okay. Jonathan, do you have anything else?

Jonathan: No thank you. I'll just mention that the conversation has just naturally flowed into Section 4.5.2, which cover the North Warning System sites, which are treated in a similar manner to the DND establishments we previously reviewed. And all of these areas are in different categories but the same discussions need to take place regarding the clarity around what the Land Use Plan will include.

David L: Okay, anything? Naida, anything else on that? Okay. Anything from anyone else? Alright, final section in this chapter, and then we'll break. Do you want to take that now, Jonathan, or do you anticipate a longer discussion?

Jonathan: Sorry, David. That was the last section of the Plan itself, but Peter has noted that the Options document also includes a discussion on aerodromes. This is similar to Cod Lakes where previously versions of the Land Use Plan had addressed municipal community aerodromes in a particular way. That was based on previous discussions with Transport Canada and others regarding the establishment of aerodrome regulations. Since then they've all been established and are in place. And the aerodromes no longer occur, or appear in the Land Use Plan itself. So they no longer occur in the Land Use Plan itself.

David L: Okay, so we'll take a break and come back about 5 after 3:00. Just to let people know again, we'll break for the day at quarter to 5:00, and we will not have an evening session. So break at quarter to 5:00 and then come back at 9:00 tomorrow morning. Alright, thanks.

BREAK

David L: Jonathan, you want to start Chapter 5?

David B: I lost my agenda. How far are we supposed to get today? How many chapters?

David L: We're ahead of time.

David B: Okay.

Jonathan: Thank you David. Chapter 5 addresses the 5th goal of Encouraging Sustainable Economic Development. The first section of Chapter 5 deals with Mineral Potential. These areas have been discussed in passing throughout the meeting. But I'll just summarize again that areas of high mineral potential were based on a number of factors that the Government of Canada, I guess, provided an analysis that identified areas of high mineral potential based on mineral occurrences, tenure, favorable geological units, this type of thing. I don't have an exact description of what went into that.

They did provide a number of qualifications on that material when it was submitted in 2014, in that it was approximate and preliminary, and it was illustrative in a sense. So that needs to be acknowledged. The Land Use Plan has taken those areas and identified them as Special Management Areas where incompatible uses are prohibited, which include parks and conservations areas and tourism activities. This area has led to some comments for sure. I again, I will refer the participants to summarize them themselves. I know the GN in particular has identified concerns with all of the proposed prohibited uses that are in the Plan. So I guess I've got nothing further to add - apologies for rambling.

David L: Yeah, just don't let it happen again, Jonathan. Questions, comments? Observations? Yes, Jennifer.

Jennifer: Thank you, David. Jennifer Pye, Government of Nunavut. I think we'd first like to begin by...yes, we are acknowledging we do have a number of comments on high mineral potential. Perhaps it would be useful, you mentioned the Government of Canada was the agency that provided the majority of information for high mineral areas, for high mineral potential. And we would just like to better understand the research that was used for these areas and you know basically how they were delineated and provided to the NPC.

David L: Spencer?

Spencer: Spencer Dewar for the Government of Canada. Well, we have a geological department and a geologist on staff. We are the repository for geological collection of information, right, through our Mining Records Office. So I think it was our district geologist that actually compiled the data and made the maps. I do believe they probably also had assistance through the CNGO – the Canada Nunavut Geoscience Office - and possibly the Government of Nunavut. Karin Costello – I don't know if she is still here; she's been here all day. She might have just stepped out. I think she was instrumental in pulling it all together, her and her team. Yeah, if she's out there, it might be worth having her in. Hi Karen.

(Laughter)

We're just talking about the high geological potential. So I was trying to explain how we sort of came to it. I explained that we have district geologists that collected the information, and as the Mining Records Office being the public registry of all geological information that's collected in the territory. So I'll let you just finish from there.

Karen: Thank you. Karen Costello with Aboriginal Affairs. Internally, our staff looked at the known geology. We looked at historical and active mineral tenure. And on that basis, we identified areas of high known mineral potential. It has well been documented by various people that the level of geoscience knowledge within the territory varies from well-known information to not-as-well-known. So I think it's important to recognize that the mineral potential map – mineral potential information – that is presented is based on the level of knowledge and the level of activity, both historical and current.

Spencer: I also mentioned maybe the CNGO was involved and possibly the Government of Nunavut...

Karen: Through the work with input from Natural Resources Canada and Canada Nunavut Geoscience Office, which is the defacto Nunavut Geological Survey, jointly funded by Natural Resources Canada, the Government of Nunavut and Aboriginal Affairs. There was also input provided with regard to mineral potential.

Jennifer: Thank you, Karen. That's a good point, a good point of clarification that these areas represent known areas of mineral potential. That's kind of the second part to the GN's comment on this matter is that the Plan be...the wording of the Plan be revised to state that these are areas of high "known" mineral potential as opposed to just simply "areas of high mineral potential." Thank you.

Karen: Yeah, I think we would...there would be no disagreement from us with that, because as I said, the level of geoscience knowledge varies across the territory. Certain statements as far as potential is just based exactly that –on the level of information that is available. Thank you.

David L: Peter?

Peter: Hi, Peter Scholz, Nunavut Planning Commission. Just for everyone's reference, the map on the right on the screen in front of you is showing three SMAs. 167 are the terrestrial yellow polygons. Those are AANDCs high mineral, or high known mineral potential polygons with the essential caribou habitat taken away. Then the polygons on the water are the high fisheries potential, and there's a few offshore point polygons, which are oil and gas potential. The polygons terrestrially are cumulatively 8.6% of the land area of Nunavut. I do have a question for Kivalliq Inuit Association in that your submission talked a lot about geoscience, inferred resources...the NPC doesn't not have in-house geological capacity. Has your data, is the data your talking about, has it been shared with AANDC in preparation of these polygons, or are you recommending changes to these polygons? Thank you.

David L: Luis?

Luis: Yes, thank you, Mr. Chairman. Thank you for the question. Luis Manzo from the Kivalliq Inuit Association. This is information that we have been collected along industry and Geoscience Office. Now you can see we collect probably more – we did more research in terms of historical data and also was knew that other is being provided for by industry, which of course, would ?line out polygons or those occurrences that occurring was mentioned, which was different in the potential they mentioned, because we have a little bit of more information. But we can create a polygon and what the occurrences are and say to you the potential mineral.

Which...my point was to make sure those are being assessed in the areas, because it's a conflict. We have been managed and implement for our 10 years, the actual Keewatin Land Use Plan, which encouraged economic development and sustainability. Over those years, in this case industry has been investing millions of dollars in IOLs and Crown land to develop those lands of high potential. When we saw these new polygons presented in the Plan being more cartographically other than geoscience assessments, then we went and collected all our database and start pulling all our information together for the last 18 years I have been with KIA.

We sent it then for further analysis with a company, with a geological company to demonstrate the conflicts that we have in terms of those designations. Now, we didn't present our position until the concerns with the – I don't know the (?) information. This perhaps needs to have another discussion with NRCAN. We'll be very simple, because it existing rights. Papers submitted to treasury boards by proponents would make those assignments of the high potential in those areas. Investments have been made, licenses have been granted.

Somehow I'm very uncomfortable to continue speaking with those rights, which are existing rights in some of the cases. And that is what Karen was speak about in terms of the permitting that has been, over the last year in Kivalliq has been actually been candid to proponents for exploration. And now in the Plan we see provisions that prohibit those rights to exercise their rights in the future. Somehow we need to get more clarity in those areas. And that's the reason I didn't present polygons, because all the papers and documents and dots they present, represent, the areas of trench in which all the occurrences happen over the last 18 years, which highlight the potential different metals over the years, which now is a research area. But Karen will be probably with me in that supporting the Federal Government position in the potential, but also I would like a little more consideration and take the new data that we presented as validated from geologist that have been doing work in the area as well. Thank you.

David L: Please.

Karen: Karen Costello for Aboriginal Affairs on behalf of Government of Canada. Thanks for those comments, Luis. One of the things I'd like to mention is that we are not the only ones who are in receipt of information on mineral potential. We are...we deal with Crown Land, and NTI has rights to a lot of....a lot of land has been identified for its high mineral potential. So there are many sources of information in addition to the information that we have based information on, as Luis mentioned. And I think it would be important that as much of that information come into the Plan as possible, because Nunavut is a vast territory. Since 1999, over 3 billion dollars has been spent on mineral exploration and mine development. Not all of that is infrastructure, so a lot of is the gathering of geoscience information. It has been spread across Nunavut in various locales. Thank you.

David L: Thanks, Karen. Miguel.

Miguel: Miguel Chenier with NTI. Jon I realize you...I don't know if you've had a chance to review through our whole submission. But with regard to our Comment #47 with regard to subsurface IOL, we'd asked about your consideration for putting that in as high mineral potential. Did you want to comment on that?

Jonathan: No, I don't think I've got particular comments - just clarification that NTI would consider all subsurface parcels to have high mineral potential.

Miguel: We have one or two exceptions that we can provide to you.

Jonathan: Excellent. Yeah, it would be fantastic if those exceptions could be explicitly noted.

Miguel: Will do.

David L: Karen, can I ask you a question? I've always been challenged – and I've got a background in geology - but I've always been challenged by this notion of potential. I understand risk assessment and the kind of quantitative approach that risk assessments take. Is the development of mineral potential analogous to a risk assessment approach or is it more qualitative?

I'm trying to get at the real meaning of, well, high known potential...there's a bunch of qualifiers right there. Potential means it might be there. There's a good chance of something being there. Known potential means that you know something about the geology that increases the likelihood that there might be something there. And then you compare that to the rest of Nunavut where there's a huge absence of reliable data. So I'm just trying to wrap my head around what these high potential maps really mean in terms of likelihood.

You know, I mean I get the notion that the best place to find a new mine is near an old mine, because the geology is favorable, and it's what happened in Hemlo and Northern Ontario for example, right beside, right under the TransCanada. Suddenly somebody takes a second look or a third look or a fourth look and finds a huge gold deposit. And that area would be rated high potential simply because there's a mine there already.

We don't have that much experience and knowledge in Nunavut, and yet the maps show high known potential. So I wonder if you couldn't just explain to folks the relationship between a high known potential and likelihood if that's possible? And I know that with every geologist including myself when I was in that field, would say, "You never know where the next mine is going to be. You've got to look everywhere and you've got to look several times." But the flip side is the tradeoff between identifying these areas as high potential and then potentially the...well for example, caribou calving grounds – that conflict that then arises; the tradeoff of values or the overlay of values. It's important in the caribou calving ground context, but it's important in other contexts too. So, is there some way of simply explaining how likelihood and high potential line up?

Karin: Karen Costello for Aboriginal Affairs. Daunting question, but I'll do my best. In trying to identify areas with or coming up with high known mineral potential, we start by looking at the geological

terrain. Is it the type of geology that lends itself to having a variety of different types of deposits? So we start with that. Then we look at....and that requires us to have a basic understanding of the geology of the area. Then we look to see if there have been any documented mineral occurrences – gold, copper, zinc, iron, whatever the commodity is. Then we'll look at historical activity and based on that, we know that periodically from the level of activity that when we're on...when commodity prices are at a certain level, there is renewed interest. So we get a sense that when certain occurrences are identified or when certain deposits are identified, they may not necessarily be developed now, because the economic conditions are not great, but we know that there's potential for them to be there. So say that there's a likelihood that they could be economic resources or exploitable resources at some point in time.

The term likelihood....if you're in an area that's a giant granite mass of....granite pluton, the likelihood of you finding certain types of mineralization and economic mineralization in that would be limited. But the likelihood of you finding perhaps another Meadowbank, another Back River in certain terrains, in certain geological environments - greenstone belts - the likelihood would be higher. So when we came up with these areas we identified for the high potential, it's based on known information, historical activity.

Some of CNGO and the Geological Survey of Canada that's still ongoing is that they're doing – they're still doing what's called baseline geological mapping. When they complete that work, they often identify, find new occurrences. A recent example of that was when they worked on the Melville Project on the Melville Peninsula. This was a large area of mapping. One of the areas they found was a nickel occurrence, and that led to an increase – a bit of a surge - in mineral exploration activity. Now since then, there has been some work done. It didn't meet the thresholds for companies to maintain their interest, but it still represents an area with some high known mineral potential. The geology is right. We have an occurrence, and we know there is something there. So I don't know if that helps or hinders.

David L: Well, it all helps. I just...in that latter example, the potential remains, but the likelihood has diminished somewhat based on the work that has been done Is that fair? I mean it's still possible that there is something, but the more you look and the less you find, the lower the likelihood, correct?

Karen: I think it needs statistics on that.

(Laughter)

David L: Okay, well maybe we can have a sidebar conversation at some point. Stephane.

Stephane: Stephane Robert. So for us the definition of high mineral potential, I will give an example of what we call our Amaruq exploration site. We still don't know if we have a mine, but we knew that with all the information that on surface with survey and all that, that we have high mineral potential. To know if it will be something, we need to go drilling. After that you can find something but maybe it's not economical. So it's two things to have high mineral potential and after that to have a mine. To be mine, we need, everyone needs to make money. So you need to be economical. So it's two things, but it's still there and maybe in 20 years and 30 years it will be economical. So on Amaruq, we drill. We drill a lot, but still don't know if it's economical. We

will know in the next year probably if it's economical. But we drill, and if it happens that it's not economical, the high mineral potential is still there. So that it is what I think say what is high mineral potential. And maybe in 20 years, the price of gold will be at 5000 bucks, and now it will be economical. But that, it will depends. But the high mineral potential is still there.

David L: Yeah, and that's very helpful. I guess I don't want to prolong this but so the more work you do and the more promising the results, the likelier it is. The more work you do and the less you find, the less likely it is. And in the absence of detailed geological knowledge, we're kind of dealing with the first thing, just the potential, based on the geology that's there and examples elsewhere – it's potential. It has got little or nothing to do with likelihood at that stage.

Karen: Karen Costello for Aboriginal Affairs. And just to touch on a point that Stephane mentioned, there are other things that impact on the likelihood of there being mine. And those are economic drivers, and they're beyond our control. They're beyond an operator's control. That is why it is important to not exclude these areas, because the potential does exist under the certain economic conditions where an identified historical resource could become a future, a future mine.

David L: Thanks Karen. Luis?

Luis: I would like to...in two slides I have I'll be able to explain what we did. Karen and KIA have an obligation under the Keewatin Land Use Plan to promote economic development. In that sense, we need to provide information to sell to the proponent. If we look....I hope everybody can hear me. If we look at historical data, all the trenches....

(Luis was away from the mike, barely audible. The following is an approximation): This is where the occurrences are. Then compile all the data. Here you'll see the geoscience data. What is happening in the trenches....It's really to attract the investment in the territory, because the money is in the exploration. That's where the money is. The money is not to find a mine. When you find a mine, everybody is going to win. But really the majority of the investment is done by all the industries together and the exploration dollars they put in the ground and reaching then in value then for parcels. And that's why NTI also has very good mineral agreements in existence today, especially in the Amaruq. You can see right there in the trenches you have Kiggavik you have Meadowbank, and right off of that you have Amaruq just 50 clicks from the trench. But we are providing the data and they've been collecting more data to verify it.

Now with the new technology you have better geomagnetic data that you can actually do (?) in the stop applications that the industry has. But really if we lock those areas then we don't have no economic drivers in the territory because the vocation of the land with minerals. We don't have. I'm coming from the natural resources experience and the degree I have. So the vocation of the land in Nunavut has pure mineral vocation. There's no forestry. You have water resources. There are renewable resources. You have oil and gas and minerals that are not renewable but is the biggest economic driver that you have in the territory. So when you classify soil science, they will give you those vocations by virtue of the land itself. It's something that...we would like to see something like that based in soil science. We are far away from it, but that will determine your resources and the use of those resources, and at equal balance of formal processes into the regulations. But if we lock all those big potentials, then of course, investment is going to go away. There's going to be...it's high enough already to produce one

ounce of gold in the territory. It's about \$900.00 for an ounce when you're in an operating mine. But then again, we have a lot of jobs from the mine. But if you ask me how much Amaruq being invested so far, it's about \$40 million dollars in two years. It's just an exploration. So that means no to the stores, all the hotels....it's how it spins the economy. Everybody probably has a sense of all that, but when you put that in perspective, we can avoid devocation of the territory as minerals. And it's how we should start, defining what is a vocation of the land and spin from that end. Thank, you.

David L: Thanks Luis. Okay, sorry for the diversion. Jonathan, you want to get back to the technical unless there are any other comments? Luigi.

Luigi: About resources and trenches...no, kidding, kidding.

(Laughter)

Luigi Torretti, Kitikmeot Inuit Association. This is a comment related to the mineral potential but not necessarily the discussion that we've just had. According to the current prohibitions currently listed under mineral potential, one of those prohibitions is tourism facilities. The Kitikmeot Intuit Association has a little bit of difficulty trying to understand why tourism facilities would be considered a prohibitive activity under that designation. Certainly we see a lot of benefits.

Right now in terms of...in certain areas, there's one particular lodge that is covered by a designation that is a high mineral potential, or so-called. So in terms of established lodges, I guess the existing rights would be applicable to that site. But in terms of the potential, Nunavut is in such dire need of infrastructure. Any kind of road network – in our area, for example, if Izok, the Izok corridor were to open up, that would provide access to inland areas that are impossible at the present time unless you have air support. So I guess the question is, what is the reasoning for restricting or prohibiting tourism facilities in those types of sites under that designation?

David L: Jonathan, do you want to take that?

Jonathan: Thank you very much, Luigi, for the comments. They are greatly appreciated I believe the reasoning or rationale behind prohibiting tourism facilities in high mineral potential, is that they were considered to be possibly be incompatible with industrial activities. That being said, there has been a great deal of feedback to the contrary, so that will all be taken into consideration.

David L: Okay, thanks Jonathan. Any other comments? Jennifer.

Jennifer: Thank you, David. We would just – the Government of Nunavut would just like to add to that comment. We also had a similar comment with respect to prohibition of tourism facilities within high areas of high mineral potential. Just to add to that, we believe that in addition to mineral exploration, there are other economic sectors that are developing within Nunavut. And we believe that tourism facilities can, or are not necessarily an incompatible use with mineral production and should be allowed to proceed within those areas.

Furthermore, we also have a comment about the same thing with respect to conservation areas as a prohibited use within areas of high mineral potential. And for much the same reasons...sorry. Territorial parks or conservation areas do offer opportunities for tourism and other economic spinoffs that could come from those...the establishment of those areas. Also as was discussed earlier today as part of the feasibility study of conservation areas and parks, they do you know, conduct their own geological surveys. So that's something to consider, that they could perhaps work together and are not necessarily an incompatible use with areas of high mineral potential. Thank you.

David L: Alright, yeah.

Elizabeth: Elizabeth Kingston with the Chamber of Mines. Just to follow-up with the GN's comment that industry – the mining industry agrees that tourism facilities are not incompatible with areas for mineral potential. Thank you.

David L: Wow, we have a consensus, in this room of course.

Spencer: Does the Government of Canada have to say that?

(Laughter)

David L: Oh sorry.

Spencer: We agree.

(Laughter)

David L: We could take silence as consent too. Anything else? Yeah.

Brandon: Brandon from WWF. I would just note that this is the only polygon with prohibited uses that doesn't include the last caveat of related research. And I just wanted confirmation that there is still potential for conservation-based research in these polygons even if parks remain prohibited use, which we would agree with GN that isn't necessarily given the regulatory framework to establish a park anyways. But as related research is not there, just confirmation there could be environmental base research for conservation purposes in these areas.

David L: Yeah, the potential is there but is the likelihood? Jonathan.

(Laughter)

Jon: Thanks for the question. Yeah, just to confirm, research associated with conservation objectives would be permitted under the Draft Plan as it's currently written. I'd just also like to note I'm appreciative of the very specific feedback in regards to this designation in terms of the list of prohibited uses being inappropriate. That's very helpful for the Commission to consider. Also I'd like to note if there are any prohibited uses or terms or conditions or any direction at all that would be recommended to be included in such a designation? That would be helpful to be identified as well, because at the current time, this designation includes those two lists of prohibited uses, and we're hearing lots of discussion around the table that they may not be

appropriate to prohibit if that was the direction the Commission takes. That would effectively make the areas Mixed Use, and there would no longer be a high mineral area potential designation in the Land Use Plan. I'm not say that's what is going to occur, but in that scenario, that would be the result. So if there is any ideas or recommendations of what a high mineral area potential designation could achieve, that feedback would be appreciated.

David L: Okay, any further discussion on this item? Jennifer, don't be shy.

Jennifer: I just – sorry, I saw Peter had his hand up first. Sorry Jonathan, just to clarify, I think what the GN would be on board with is, yeah, if these areas of high mineral potential, they would be better classified, perhaps as a Mixed Use if you were to take these recommendations into consideration that they would have no prohibited uses. So within the logic, I guess, that you have used for the Land Use Plan, it would fit naturally under the Mixed Use designation. That's how I understand it. Thank you.

David L: Thanks, Jennifer. Peter.

Peter: Thanks. Peter, Nunavut Planning Commission, and thanks for that Jen. GN comment 5-00e it says existing tourism operations and high mineral potential areas. My question is does GN have a high tourist potential map of some kind?

Jennifer: Thank you for that question. Not at this time. We do not have a map of high potential areas for tourism. However, I do have a technical person from the Department of Economic Development and Transportation. Lou Kamerman is here who could perhaps add a little bit more information to that for the group today.

Lou: Lou Kamerman, Government of Nunavut. I can confirm that our department issues outfitter licenses, so we do have an idea of coordinates, locations of where current outfitter camps exist that are associated with outfitters based within the communities. So there are areas we know people are, and I assume there is because there is high tourism potential and they enjoy the area. But as for putting forward coordinates or trying to delineate zones that are good for mineral potential – or tourism potential - there could be some inherent difficulties, just given that it could be subjective in how you establish where these areas are. This is something we would be definitely be interested in exploring and possibly discussing with other planning partners. I guess if we could see if there is interest from anyone else, we could discuss this further and see where that leads us.

David L: Jonathan?

Jonathan: Sorry, I just thought I'd mention on the theme of tourism, the Community Priorities and Values that the Land Use Plan identifies in the very specific comments that would accompany the digital files, which are available on our website currently, communities identified areas of tourism potential as well. That came out naturally through the discussions, and particularly scenic areas or areas that are important for sports hunts and things of that nature as well during our discussion on the encouraging sustainable economic development. So that's in our files collectively.

David L: Yeah.

Naida: Naida Gonzalez. We just wanted to raise that we have some concerns with the GN's proposal that conservation areas and parks would be allowed in the high mineral potential areas. That may set up a potential land use conflict. We haven't made a final determination on that, and we'll get back to you. But we want the opportunity to discuss it as a team and provide more comments on that.

David L: Thanks, Naida. Please.

Rochelle: Rochelle from WWF. So as an alternative option, we were thinking there could be still the Special Management Area designation for high potential mineral areas, to keep that in mind. And it could be followed through like other SMAs just with directions to authority agencies when other types of uses can be planned or foreseen on those areas. Thank you.

David L: Thank you. Go ahead.

Liz: Thank you. Elizabeth Kingston, Chamber of Mines. Just a request: A claimholder would like to be advised of any proposed additional use in the area, including tourism facilities. Thank you.

David L: Okay, thanks. I think we're probably good to go on to the next section. Jonathan, go ahead.

Jon: Thank you very much, David. The next section is Oil and Gas Potential. This section is treated slightly different. And I'd just note that there are three types of licenses that can be issued: Significant Discovery Licenses are one category. The others are Exploration Licenses and Production Licenses. At this time, only Significant Discovery Licenses have been issued in Nunavut. They tend to be fairly small, and the Land Use Plan assigns a Special Management Area designation to them and prohibits, again the similar list of incompatible uses. So it's a similar theme but purely based on Significant Discovery Licenses rather than potential itself.

One comment I had noted was that the GN identified a missing Discovery License on Cameron Island. That's another scale issue like the alternative energy sites where it did not get labeled as a point, and the label didn't appear. So, that can be addressed. Thanks.

David L: Thanks, Jonathan. Comments from anyone? No. Alright, then let's go on to the next section.

Jonathan: Thank you. I'll take the similar theme of the comments on the previous discussion regarding the list of prohibited uses. The final section of Chapter 5 deals with Commercial Fisheries. The first subject is that Cumberland Sound near Pangnirtung has been identified as a particularly important turbot fishing area for the community. It has a management area status through, I guess the GN that they may want to elaborate on. But that area of Cumberland Sound has been assigned a Special Management Area designation that prohibits incompatible uses, I believe just oil and gas exploration and development.

The other issue that has been explored under this section is char and turbot areas of abundance, which have been identified. So the Commission received information on general areas of abundance for char and turbot, which are of course fish commercially in the Settlement Area. Those areas were assigned a Mixed Use designation with direction to regulatory authority to consider the impacts on those fisheries.

There was one comment I had noted on fisheries regarding the identification of important subsistence fishing and other harvesting areas in the Settlement Area in the Plan. I just wanted to note that that has been extensively documented in the Community Priority and Values where subsistence commercial – or subsistence fisheries and marine mammal harvesting areas have been documented. Thank you.

David L: Okay thanks Jonathan. Comments from anyone? Jennifer.

Jennifer: Hi. Jennifer Pye, Government of Nunavut. I just wanted to note, and perhaps the NPC has already seen our comments with respect to commercial fisheries, but just to draw attention to the few comments that we did have. They're very editorial in nature. But we had recommended that in addition to the commercial fisheries listed, that shrimp as well be listed as a fishery operating within the territory. Furthermore, we just ask that there be a change to the wording in how Cumberland Sound is written in the Plan just to accurately reflect its correct name, which is the Cumberland Sound Turbot Management Area.

David L: Okay, thanks. Any other comments, questions on this one? Alright. I may be wrong, but I think that takes us to the end of Chapter 5. Good. Alright, do you want to start Chapter 6?

Jonathan: Thank you, David. Chapter 6 deals with Areas of Mixed Use. So in these areas, which are the uncoloured or base map areas on Schedule A, all uses would conform to the requirements of the Land Use Plan as drafted. The areas would be subject to direction to regulatory authorities as illustrated on Schedule B as well as the expansive Communities and Value that might be identified. But again, just to confirm, all uses would conform, and that would purely be direction. Thank you.

David L: Comments? Observations? You guys really want to get out of here don't you? Alright, we'll just keep going. I'm not seeing any...Bert? Oh sorry, Naida.

Naida: We have some...we would rather not start Chapter 7 today. We have some discussions that we'd like to have before reviewing that chapter, so I'm not sure if an early end to the session is possible?

David L: Oh, it's very possible. Unless anybody has any violent objections, I think if NTI needs to caucus, we should allow that. Peter?

Peter: Hi. Our Plan was at the beginning of Chapter 7 to hand out or new procedures. If we hand them out now, then people can take our one extra hour to read them if they want to, and then there will be more prep for tomorrow morning.

David L: And there will be a test? Okay, well let's call it a day then, and we'll get back. Sorry, Jennifer.

Jennifer: Jennifer Pye, Government of Nunavut. I just earlier in the day, after lunch, the Government of Nunavut had requested that an additional agenda item be added at the end of our sessions here today, and I didn't seek any kind of official – or I didn't receive any sort of official clarification from you David on that.

David L: Yeah, I nodded. My read of the audience was that, yeah, people were good with that, and discussions afterward supported that as well. Yeah go ahead.

Mike: Mike Settingington with EDI for Baffinland: I was just going to question that additional agenda item, if we could perhaps have an evening meeting or a meeting right now? I don't know if it has to be an additional agenda item to go over those objectives and outcomes. It could be a fairly short brief meeting with interested parties.

David L: I don't think NPC is available in that brief time. They've got other commitments. That's why we're going to break earlier today. And then I know they've got some later commitments. If people want to meet though bilaterally or in small groups, by all means. But I'd like to have the entire group here for that discussion. It's significant enough. Yeah I know. Okay, we will tack that on to the end of the agenda, and now I'll turn it back to the Planning Commission to introduce this document.

Peter: Thank you. I might ask if one or two people would volunteer to help spread these documents around, and I'll start working through it. Just the background: these are 7 procedures, which were accepted by our commissioners back in March and basically make the Nunavut Planning Commission NUPPAA ready. The 7 procedures relate to the methods that the NPC will follow for 7 different types of tasks:

The first one is Conformity Determination. That's the biggest one and that includes cumulative effects. The second one is how we would deal with minor variances. Just a quick definition for those who might not know it: a minor variance is when a proposal does not fit within the specific technical details of Plan requirements but is felt to fit within the fundamental values and priorities of the Plan. And the relaxation would be minor to allow for the project. So there's a specific process for a minor variance. The third procedure are amendments to Land Use Plan, and these cover basically what are the two types of amendments, which are either amendments initiated by a proponent. And that's where a project does not fit a plan as written and the proponent is interested in changing the Plan so their project would fit, or it could be self-initiated by the Nunavut Planning Commission as part of a review, a periodic review of the Plan, and factors indicate that the Plan should go through a revision.

The fourth procedure is information management. That one is our shortest one, and that's basically dealing with how the NPC would deal with information that comes in, particularly confidential information, information from one-on-one interviews, and under what circumstances it would be released for public availability or not. The fifth procedure is monitoring approved projects. What that is if the NPC issues certain terms and conditions on a project approval, as part of the conformity determination, the NPC would have to follow-up periodically to check up on those. And that's how we would set them and do them.

The sixth procedure – and by the way, these were really exciting to write – is monitoring land use plan implementation. That is basically the NPC annually will look at every land use plan – in this case Nunavut Land Use Plan – and will carry out and will look at information. How many conformities? How many positive? How many negative? Were there any amendments? Were there requests for variances? etc. And that will give us an indication that will be made available publically whether a Plan amendment or a Plan reiteration will be needed down the road or the following year.

And then finally is the periodic review process, which is the detailed – what NPC will look at a Plan ever 3 years in detail to help determine whether the Plan needs minor revisions, a full scale overhaul, or something like that. Should I go through these in more detail or do people...?

David L: I think give people a chance to look at it, and then we can pick it up tomorrow. Sharon?

Sharon: Thank you, David. Just for the group's insight: So in preparation to be NUPPAA ready, the Commission is informing you these policies were approved by the Commission in March. And this is an insight into how we are doing our business, transparency. These procedures are already posted on our website, so they're there in the e-version for you, and we're simply providing you with a hard copy so you have it. And if you have any questions or any suggestions, the Commission is always open to hear your feedback. We always strive to do business in the best way, and as such, that is the intent to these procedures. Thank you.

David L: Thanks, Sharon. And we'll set aside some time tomorrow to go through it and questions. Liz?

Liz: Yes, thank you. Elizabeth Kingston, Chamber of Mines. Just a question I guess, Sharon: If I understood correctly, you said that the procedures were approved by the Commission in March. The documents are being distributed now. Should we assume that you're looking for feedback or comments on the document? If it's already been approved, then does it leave it open for discussion I guess? Thank you.

Sharon: Thank you, David. Feedback....Thank you for your question, Liz. Feedback is always welcome, but they are the policies of the Commission and the commissioners have approved these policies. It doesn't mean that they are not open for change in the future, but these are the policies that we're following currently.

David L: And I guess I'll just add that it's an opportunity to read them and get some questions answered if you have any questions of the Commission staff tomorrow regarding these procedures. Anything else for now?

Peter: A quick comment: we have translated these. We haven't massed produced them though. If any of your colleagues want an Inuktitut version, we can photocopy them for you.

David L: Alright, so we are adjourned. Is closing prayer something that we should do? No? Alright folks, see you tomorrow morning, 9:00. Have a good evening.

DAY 3: JUNE 25, 2015

David L: Tommy if you can do the opening prayer for us? That would be good. Henry? Okay. Thanks.

Henry: Thank you. Good morning everyone. I hope you had a nice sleep during the night, and we'll pray to our Lord to get with them again for today. I'll do it in my language.

(Opening prayer)

David L: Thank you, Henry. I've just noticed that the coffee has arrived, so maybe for those of us who need coffee, we could take a couple of minutes, grab a cup and then sit back down again. And then we'll get going. I'll be the first in line.

Short Break

David L: I'll give people a couple of more minutes to grab their coffee, but in the meantime I have a public service announcement. It appears one of our members in the room is a year older today - so Happy Birthday, Spencer.

(Clapping from participants)

Henry: Maybe we clap only after we sing Happy Birthday.

(Laughter followed by joyous early-morning singing to Spencer)

David L: Alright. We should probably get started. We're going to start with Chapter 7. I think the approach that we're going to take is that NPC will just overview the Internal Procedures document that was distributed late yesterday, and then we will go through the chapter in the Draft Land Use Plan. But it appears that going through the document first might actually help the discussion with respect to the chapter and the Plan itself. Sharon?

Sharon: Thank you. And just if you're looking for it on our web page, the Internal Procedures, it's under the "About Commission" box. You can find it in there. Thank you.

David L: Okay, so who's leading? Jonathan or Peter? Peter, take us through it please.

Peter: Alright, thanks everyone. Okay, so I'll go through procedures in the order in which they are in your binders. I hope everyone brought the binders they got last night. I'm going to direct everyone to this page, which is the last page of Conformity Determination procedure immediately before Tab 2. This is just an overview of the Conformity Determination procedure. I will try to go this quickly, and I will try to make it exciting and interesting.

So starting at the top blue box, and I'll scroll down here so it's on the screen as well. This one's a bit...this is the biggest one, so it'll be a little longer than two minutes. So the top box is the submission comes in. The second box down, the NPC posts notification of receipt. Third box down, the first one in green, the NPC reviews the project proposal to see that it's consistent with terms, conditions of the land use plan. If it is, we move over to the left – the green box on the left. And that box is the NPC determines whether the project is exempt from screening. If yes, which is the box on the right there, the green one, NPC determines if there are concerns related to cumulative impacts. If there are concerns, it will go to NIRB. If there are not concerns, it will

go to the regulatory authorities identified by the proponent. Going back up to whether the project is exempt from screening, if it is not, the project proposal will be sent to NIRB.

So going back up to this box here, the third box down, the question whether the project proposal is consistent with the terms and conditions of the Plan, if it is not – ergo it's a negative conformity, the NPC determines if a minor variance might be applicable. If a minor variance is applicable, which is this box, the minor variance process is initiated to determine if conditions for a minor variance are met. If they are, a minor variance is approved and we flow over back over to here, which we talked about already, whether the project is exempt from screening. Going back to his orange box, the determination whether a minor abidance process, what it says, if it is not consistent with minor variance, a minor variance will not approved. So we'll move back up to the first orange box, which was the question, "Can a minor variance be applied?" If it cannot be applied, the proponent may apply for ministerial exemption, which is this box. If an exemption is granted, then we go back over here to the NIRB process. If a ministerial exemption is not granted, the proponent may revise the project proposal and resubmit or go to a plan amendment.

Now let's go back to the lead document. I just want to highlight key timelines here. I'm not going to read...I will actually read the document word for word slowly and monotonously. Happy birthday, Spencer.

(Laughter)

Okay so the timeline statements in here are 4.1. "Within seven days of the receipt of the project proposal, NPC shall review and determine if the required materials have been described have been submitted, ergo is the application complete." On 4.2 there's a 45-day timeline, and this is the period of review by the NPC. So I'll just...on your time...I'm not going to...I'll get you guys to read on your own and you can come to me with any questions if you have later, or if you have any questions now that's fine too.

The 4s and the 5s are where timelines are located. These timelines are consistent with what's in NUPPAA. The remaining sections, 6 and 7 deal with basically what I talked about in the chart. And then there are some definitions in here, and Appendix B talks about the cumulative impacts concerns and how that works under Schedule 12-1, NLCA.

But the four key questions that NPC will be looking at to determine whether cumulative effects warrant it going to NIRB are:

- Does the project proposal occur in the same general location as the previous project or where there's an existing project or whether there is a proposed project?
- Does the project proposal use the same resources as past projects or as current project or as a proposed project?
- Does the project occur where there's a sensitive ecosystem? Or
- Does the project have the potential to induce activity, ergo by allowing this project to be fairly certain that something else is going to be coming along in short order.

Are there any questions on conformity determination, because that's my overview? And as I said, we can talk about this later if people want more time to read, or we can do it one-on-one.

David L: Thanks, Peter. Jennifer.

Jennifer: Thank you, David. Jennifer Pye, Government of Nunavut. I was just hoping the NPC could clarify: Will we discussing conformity determination during the agenda part of the meeting, or is this kind of the time when we're going to be talking about conformity determinations?

Peter: Peter, NPC. If you have comments on the process, it's probably better done as part of the chapter discussion. Why we're going through this now is that you can see what we have hard written. So if your questions or comments are covered, then we're good, but if you want to discuss it more, have comments, then we can do that later.

David L: Yeah, just to be clear about that, this is just going to be a very brief summary of the document, and then we'll get back to the chapter itself. So Peter, if you can roll through that, that'd be great. Sharon?

Sharon: As part of the Chapter 7, the Implementation of the Document, we just wanted to give you a very high level of internal policies so you see how the Commission is operating under the policies. We're not going to read them. We're not going to walk...if you have questions, you know, we're just giving you the introduction and then we will finish going through the chapter. Everybody can read, so I don't think we need to go word by word. Thank you.

David L: Okay, Peter?

Peter: Thanks. The second one is the minor variance procedure, which is the other bigger one. And I'm going to go to Appendix B, which is on page 9 of it, and that is also a flow chart. We only did flow charts for the two or three biggest ones. So the top of the flow chart, the submission comes in. On the left side, the ED determines if conditions in the Land Use Plan are met. And the next one down is public notice and invitation to provide written comments from interested persons. So this basically...sorry, I'll keep on going.

If no comments are received on the proposed minor variance, and the minor variance is considered to be consistent with the Plan, and what the Plan says about minor variances, it will be granted. If comments are received about the proposed minor variance, the Commission may hold a public review if Section 7.1 conditions are met, and I'll go in here and talk about Section 7.1 shortly. The Commissioners, at that stage, consider if the comments may or may not decide to grant the minor variance. Going back up, on the right side, if the executive director determines that the conditions for minor variance in the land use plan are not met and/or if the Commissioners or the Committee of Commissioners say that a minor variance cannot be permitted due to comments, the minor variance will not be granted. At that stage, the proponent may apply for exemption. The proponent may amend their proposal. The proponent may apply for a plan amendment, or the proponent can reevaluate their project.

So I'll go back up to the actual written portion, and I'll just highlight timeline statements in here and Section 7.1. The timelines are listed in sections 3 and 4 of the minor variance, which are on page 3 of it. And again, those are consistent with the NUPPAA timelines. And there's also a timeline statement on 5.1D. The section 7.1 says the Commission may conduct a public review of a proposed minor variance only if the Commission receives written comments from any

interested persons that, in the opinion of the Executive Director, address the criteria in 5.1D of this procedure.

So basically, a minor variance comes in. It seems like it's appropriate with the Plan. We issue a call for comments. If comments come in that come from people that are actually affected by the proposed minor variance or that is significant information that can waive the decision on whether or not to allow the minor variance, but typically a minor variance will be handled through the minor variance criteria, which will be listed in the Plan. Are there any comments or questions on that one?

David L: Liz?

Liz: Thank you, Mr. Chair. It's Elizabeth Kingston with the Chamber of Mines. I'd actually just like to go back a little bit to Appendix B, Item C – just the previous section you were reviewing. I apologize. We weren't quick enough to get our question in.

Sharon: Sorry, Liz, did you say Appendix B?

Liz: Appendix B, Item C.

Sharon: Thank you.

Liz: Cumulative Impact Concerns, that section. I apologize. I have to put my glasses on, because I can't see that and look at this at the same time, so I'm trusting that's what you have up on the screen? You okay, Peter?

Peter: My computer chose this particular moment to freeze.

(Laughter)

David: Well I'm sure that diagram and the words are emblazoned on your memory, so Liz, why don't you ask the question?

Liz: Okay, I'll go ahead. So, industry considers all areas in the Nunavut to be sensitive areas, and we've adapted our projects accordingly with appropriate actions and mitigation measures. When we read this section, we ask whether or not this article would mean that every project would be referred to the NIRB.

David L: Who's....Jonathan?

Jonathan: Hi, this is Jonathan from the Planning Commission. Thanks for the question. These questions are intended to be a guide, which would be used to consider whether there were cumulative impact concerns. So these questions would serve as a guide in the evaluation of whether there were concerns. And regarding sensitive environmental system, that phrase that's worded in there, the Land Use Plan – and there are concerns that have been voiced about the Land Use Plan identifying areas where cumulative impacts may be of a concern – but that language would imply areas like community drinking water supplies. The Plan identifies the cumulative impacts

concerned maybe present there. So those areas would be incorporated into the evaluation of these guideline questions.

David L: Any follow-up?

Liz: Not at this time, but we may revisit. Thank you.

David L: Thanks. Peter you want to roll through the rest of this document?

Peter: Thank you. Peter, Nunavut Planning Commission. We are moving on to Procedure 3, which is Amendments to Land Use Plans. I am again going to the last page, which is a flow chart, which is the page immediately before Tab 4, and it looks like this. So starting at the top, the proposal comes in and it will be posted on the public registry. NPC will consider the proposed amendment and determine if there is a need for a public review. If there is no need for a public review – I'll back up a little bit and say there will be a call for comments on the Plan amendment, and that will help inform whether there's a need for a public review. The NPC will recommend to the Minister and DIO the accepted or rejected, in whole or in part. The Minister may or may not accept the NPC recommendation to do that Plan amendment. If the Minister rejects the NPC recommendation for a Plan amendment in whole or in part, the NPC will revise the proposed amendment and will resubmit, which will either be accepted or rejected by the Minister. If the Minister rejects a 2nd time, that will in most cases end the amendment process, and the Plan will remain as it was before.

Now moving to Section 2, which is back up in the Plan amendment. Again, this is compatible with NUPPAA. It's not a long procedure. It's only a page and a half. It goes over the process of discussions before, during and after with the proponent and with various parties. The timeline statements are on 3.2 and 4.4. And I think I will leave that one there in case there are any questions on how Plan amendments will be handled.

David L: Any questions right now? Remember that we'll get into the chapter, and these things may be raised again in the chapter. Peter, why don't you continue, please?

Peter: Thank you. Information Management, which is in Tab 4 is the shortest of the procedures. As I said yesterday, this one has to do with... In most cases, information given to the Commission will be publically available, but in some cases it needs to be kept confidential. This procedure goes over how those two are differentiated and how confidential information is treated. Are there any comments on that procedure?

David L: I don't see any, so Peter, why don't you continue.

Peter: Sure. Jon just asked me to state that he NPC does not distribute GIS information that is provided to us by parties. We simply use it. If people ask for GIS information, we will refer them to the original source.

So Procedure 5, Monitoring Approved Projects: This is a very short procedure. Basically, if there are terms and conditions associated with a conformity - a positive conformity determination - the NPC will have in that determination whether we need to check up on it, and we will do so. And in most cases, we will try to coordinate those kinds of activities with the other IPGs or with

other regulatory agencies either by sharing flights or asking someone else to have a look or something. Any questions on that one? Okay.

Monitoring Land Use Plan Implementation, Procedure 6: This will be done annually. If you go to section 1, which is on page 2 of this procedure, and again I'm under Tab 6, I'm going to go through the list A to H. Because these are the factors that NPC will be looking at annually on every plan or on the Nunavut Land Use Plan, because there have been quite a few questions about when and how our Plan amendments are initiated, or Plan reviews. So A to H is:

- A. Annually, the number and nature of applications for project conformity
- B. The number and nature of project proposals found not to conform with the Plan
- C. The number and nature of Land Use Plan amendments that have been accepted or rejected
- D. The number and nature of minor variances that have been granted or refused
- E. The number and nature of project proposals that have been referred to NIRB for screening because of concerns regarding cumulative impacts
- F. Project proposals that have been granted or refused a Ministerial exemption
- G. Project proposals that have been found to not be operating in conformity with the applicable requirements of a plan and enforcement activities have been required, and
- H. The time taken for NPC to process applications

This annual report will be given to the Commission as part of our annual reporting process. Are there any questions on that procedure? Okay.

Now the final procedure – and I hope I haven't been too painful in going through all 7 – the Periodic Review: In essence, NPC will take those annual reports and do a report every 3 years on whether a Plan needs to be revised. The gist of it is, if everything is running smoothly, there haven't been any comments or complaints, it doesn't look like there needs to be tweaking, no new parks have been established, and everyone is pretty happy with what's going on, then the Plan amendment is a significant undertaking, why do it. If factors indicate that there do needs to be some changes or a major overhaul, in most cases there will need to be some tweaking that this report would be the back up to the rationale of what those changes need to be and how they are going to be undertaken. There is additional considerations that were made every 3 years over the ones I just listed, and those are listed in section 2, and I'll just go through them very quickly, and then I will be done.

Okay, 2.1F, the extent to which policies, objectives and goals of the plan are being achieved through implementation of the Land Use Plan; G, the emergence of new concerns in the Nunavut Settlement Area; H, the emergence of policy initiatives at the Commission and/or the emergence of relevant policy initiatives from a planning partner; I, any feedback and/or recommendations included in the Commissions' annual report on the implementation of plans prepared under the previous procedure; J, the availability of new data, including updated statistical information, wildlife data, emerging economic opportunities or trends and the Nunavut General Monitoring Plan; and K, whether there is funding available for a review of the plan.

And the final decision on whether a plan will go through a review procedure will be made by the Commissioners. Are there any type of questions or comments on the 7th procedure?

David L: Naida?

Naida: Naida Gonzalez. I do have a question, because I understand in 2.1, every 3 years there will be an assessment, whether there should be a periodic review. However, 1.1 does not specify how often periodic reviews would take place. Under this system it would be possible not to have a review for an indefinite period of time, because you could keep having assessments of whether you are going to have a periodic review and not have one. So is there a possibility in 1.1 to say at a minimum, a review will take place every five years?

David L: Go ahead, Peter.

Peter: 1.1 is intended to mean that if a periodic review is needed more than every three years, the Commission has the ability to do that. Under 2.1, it says every three years following approval of a land use plan, the Executive Director will assess factors. Thank you.

David L: Yeah, Stephane.

Stephane: Stephane Robert. On the Monitoring Land Use Plan Implementation on Section 1.2, it's mentioned that NPC will review each license permit or authorization sent to the NPC by the regulators. So what it means really? Does it mean that the permit will not be enforced before the NPC will review it? What it means really, and what is the timeline on that? Thank you.

David L: Peter, Jonathan, and then Sharon has something to add.

Jonathan: This review is solely for the Commission's benefit to assess whether or not the conditions of the Land Use Plan are being implemented. That has no bearing on the actual licensing and involvement of that agency with the proponent. It's just the regulatory authorities may send the licenses to the Commission, and we will review them as part of our monitoring to evaluate the means by which they're being incorporated by licenses and authorizations.

Stefan: So what will happen if NPC thinks it's not in line with the Land Use Plan?

Jonathan: Then that would become an enforcement issue if the NPC feels that the license does not or permit does not appropriately implement the requirements of its Land Use Plan. I don't know the process that would be followed regarding that, but it would be a discussion between the NPC and the authorizing agency, as they are required to incorporate those terms and conditions. If the Commission did not feel they were appropriately incorporated, then that, I guess would become a conversation between NPC and the authorizing agency.

David L: Okay, if I can interject. That's clearly an area that you're going to have to be more precise about. I mean, obviously the concern is that once a license is issued, it's issued. If the NPC then determines the license doesn't meet its requirements, it's a concern for the proponent big-time. So, there's probably a lot of clarity required between NPC and the regulatory authorities as this moves forward. Sharon.

Sharon: It's Sharon from the Commission, and I thank you for the questions. Just to clarify: I don't know Naida that we answered your question concisely. The Commission is always self-reviewing. If in the two plans we see – the two current plans we have – we always are looking at those. Under

these internal procedures, the Commission self-imposes a minimum of every 3 years, but this procedure gives the Commission the ability to review as required. If an amendment or an addendum to the Plan is required, we can do that at any time. That's basically what this policy is saying, but the measure is every 3 years at a very minimum and in the interim as required.

Naida: Our concern is that we appreciate there will be the internal review, but we're looking for at a minimum when there will be a full public review of land use plans. One of the premises for the designations is that they will be reviewed, and they can be adapted, and they're not permanent. So for that to really...really resonate and have an impact, I think internal reviews are very necessary. But there also needs to be periodic public review, and we were under the impression that usually that happens every 5 years.

David L: Yeah, so the concern is that there be an automatic 5-year review whether or not your internal audit suggests that it's needed. I mean, the concern appears to be that internally you can decide that there's no need for the 5-year review, and that's not reassuring to some parties.

Sharon: So we thank you for the comments. These are new procedures, and we'll take your comments under notice. There are procedures that the Commission can review and change, and we'll take your comments as noticed. So I thank you for your feedback.

David L: Okay, well start with the chapter. Oh sorry, Stephane.

Liz: Thank you, Mr. Chair. It's Elizabeth Kingston with the Chamber of Mines. Just a general comment on the Procedures document: So generally speaking, we have not had many comments or questions this morning to offer, because we've had so little time to review the document frankly. We would like to have the opportunity to provide a written submission on these documents once we have an opportunity to canvas our members and gather feedback. So we would appreciate if the Commission would consider our comments, even though it's been stated that these documents were already approved in March. Thank you.

David L: Thanks, Liz. Sharon?

Sharon: Absolutely. All feedback is welcome, and these are first-time policies. We're trying them out, and any constructive feedback is welcome by the Commission. And again, it would go back to the Commissioners to change or amend the policies as they see fit, but your feedback is more than welcome. Thank you.

David L: Liz, when do you think you could have that?

Liz: Thank you. Elizabeth with the Chamber. I would have to....I would have to discuss with our executive and membership and have enough time to actually review the document before we could provide a complete response.

David L: Okay, I'm just trying to think of a date, a target date, not just for the Chamber but for others to provide comment to rather things trickling in periodically. Would mid-late September be okay?

- Liz: Thank you for the question. It's Elizabeth. While we can't speak for the other parties, I would suggest that September would be a reasonable timeline or deadline for comments to come back. Thank you.
- David L: Okay, I'll just throw on the table that September 30th, those who have comments provide them to the Commission by that date, and then the Commission would have a package, presumably of comments to consider, rather than one after the other trickling in at random times. Does that work for the Commission? Okay, alright so let's get back to the chapter section by section. Jonathan you leading that? Elizabeth.
- Liz: Thank you. It's Elizabeth with the Chamber. One final question on these Procedures documents: You've stated a deadline of September 30th for comments back from the Chamber, and our question is whether or not these Procedures will be enforced before then or will you wait until we've had an opportunity to provide feedback and to properly review these documents before they come into effect?
- David L: Sharon.
- Sharon: Thank you. The policies are approved now. There is a requirement as well under NUPPAA. And NUPPAA we understand, or we've been told is effective...in effect on July 11th. Spencer, you can correct me if that's wrong. Thank you.
- Spencer: I do believe the target date is July 9th.
- Sharon: So, NUPPAA imposes deadlines or timelines on us, and these policies address those timelines. Thank you.
- David L: So I guess that means the sooner you get your comments in, the better, if you have significant concerns. Alright, shall we try again?
- Jonathan: Thank you, David. This is Jonathan from the Planning Commission. In regards to Chapter 7, it deals, of course, with the implementation of the Land Use Plan. There have been number of general comments received. Again, we are reviewing those and have done our best to get through them in the last few days. Many of them have general applicability to the entire chapter. We hope some of those concerns are addressed with further clarification in the Internal Procedures. There has been a lot of discussion about quoting or referencing or paraphrasing of NUPPAA, and again, we hope things are clearly laid out in the Procedures. So I won't go through every section and address all of the comments that have been provided. I do have a couple of comments noted that I'm seeking clarification on. I'd of course encourage anyone to reiterate any concerns they may have in light of the procedures that were just distributed and to raise any concerns as we go through.
- So just starting at the beginning, Responsibilities for Plan Implementation: I don't have anything noted requiring clarification. I guess just please stop me at any point if you do, if you would like to emphasize a particular point that you provided in your written submission.

7.2 just provides a brief overview of the public registry, which we hope to have available soon. I don't have a date for that precisely, but again NUPPAA is coming shortly, and we're required to have it. So that is anticipated to be available shortly.

Spencer: So now we know that NUPPAA we do have an effective date and when it's going to be enforced. There's talk in Chapter 7 that the verbatim references to NUPPAA would be extracted. So is there going to be a new version of the implementation of Chapter 7 that we're going to see?

David L: Thanks, Spencer. Jonathan?

Jon: Thank you, Spencer. I can't speak to exactly when a revised Chapter 7 would be available, and when that what occur. That's a discussion I'm not going to speak to. But yes, the intention is to revise whether there are verbatim references or quotes or paraphrasing, the intention would be to rely more heavily on the procedures that we have prepared, which we believe are consistent with NUPPAA, and that's their intention. They've been carefully considered. So as we go through sections in here that identify minor variances or periodic reviews, they may need to be reconsidered in maybe a more general summary without the explicit references to NUPPAA.

David L: Thanks Jonathan. I'd just point out that the second...the last sentence in the second paragraph says the final version of the Plan will not contain verbatim references. Obviously, you're going to have to meet that requirement too.

Jonathan: Yes.

David L: Okay, do you want to continue?

Jonathan: Absolutely. Thank you. Section 7.3 is regarding the Proposal Application. There have been some comments provided to that effect. I don't have any clarifications required that again would eventually be available through the public registry where proponents would be able to apply online. I would note that. Section 7.4, Land Use Designations and Terms, I....

David L: Jonathan, sorry. We have a question. Naida?

Naida: There is a comment in NTI, RIA submission that on the project proposal application in regards to the identification of Inuit place names, the way that's written in the Draft is that it would greatly assist. NTI and RIAs, we would like to see something more like a requirement that proponents use Inuit place names, and we're looking for comments back as to whether a more definitive statement can be made.

David L: Jonathan?

Jonathan: I'm not prepared to make any commitments at this time. I thank you for the comment.

David L: Sharon.

Sharon: Thank you. It's Sharon from the Commission. The Commission doesn't have a complete set of the names, so if NTI or the RIAs have any further information or datasets, we would gladly accept them. Thank you.

David L: I suspect that stronger wording will emerge, but as we've said before, the Commission staff don't have the authority to make an absolute commitment to that. But I think they hear and are sympathetic to your suggestion.

Naida: We would just mention that Inuit Heritage Trust would have the majority of that information, and we will facilitate that discussion between the parties.

David L: Great. Thank you. Okay, anything else? Okay, Jonathan why don't you pick up where you left off.

Jonathan: Thank you very much David. Regarding 7.4, Land Use Designation and Terms: I would appreciate if there are any further comments from any of the participants regarding some of the issues that have been discussed throughout the meeting this week in terms of concerns regarding direction to regulatory authorities, cumulative impact referrals. There have been a number statements made regarding consultation requirement, both with communities and with individual departments within government. There have also been comments regarding subjects like demonstration of consideration in regards to mitigating impacts on drinking water supplies, these sorts of processes that would take place before a submission to the Commission. I guess I would just appreciate if anyone has any further thoughts on that to share to provide any more clarity to what has been submitted?

Yeah, just to clarify, on any aspect of land use designations and terms, again we've talked about these throughout the week. I realize we have written submissions, and we're going to back to those and consider them carefully. I'd just appreciate that it's a significant component of the Plan. They have general applicability across all land use designations. Just if there's anything that anyone wanted to emphasize about how the Land Use Plan works in terms of prohibited uses – we understand they need to be clear and easily interpreted. We've heard that. That one's clear. Direction to regulatory authorities, there have been comments that it should be information to decision-makers, or the onus should be placed more on the proponent. We just received 300 pages of comments and we are considering them. I just would encourage anyone to provide any clarity that might help us as we interpret this but completely respect that we have received the written submissions, and we will consider them.

David L: Why don't you continue on, Jonathan. If people have comments as they're taking another look at things, I'm sure we can get back to them.

Jonathan: Okay, one issue I had noted in particular on this section, it outlines – although I'm not seeing the exact quote here on the page – but I had noted that the Government of Nunavut had identified concerns regarding overlapping land use designations. So there are areas in the Plan, for example where a Protected Area and a Special Management Area overlap. And the Plan attempts to articulate that the requirements of both designations would apply in the area where they overlap. The Government of Nunavut has pointed out that could be viewed to be conflicting or two land use designations, and those should be addressed and taken into consideration.

We appreciate that point, and I just wanted to note that the thinking behind that was where the conditions or terms of a Special Management Area and Protected Area, in some cases they can

work together to support an area. So in the Lancaster Sound National Marine Conservation Area proposal, for example, there is a certain list of prohibited uses. Within some Special Management Areas around the Lancaster Sound proposal, there would be setback requirements that were identified by Environment Canada for migratory bird habitat. Those setback requirements are not in the Lancaster Sound proposal, so the intent was to try and apply both requirements in some situations. So I just wanted to provide a bit of clarity on the rationale as to why that was done.

David L: Jennifer?

Jennifer: Thank you, David and thank you, Jonathan for your clarification. I think that raises another question for me. My understanding was that overlapping land use designations would be, one area would have two designations applied to it? But from what I think you're saying is that you could have one land use designation and then it's abutting and adjacent land use designations would have supporting prohibited uses or terms? Is that correct?

Jonathan: Sorry, I didn't quite follow. Perhaps I can just attempt to rephrase. Where there is an overlap, we saw value in maintaining both conditions or both designations. You could argue that well, if both are required in this area, make a new designation and put a new number on it and combine the terms, and that would be Area 230 as opposed to 229 or 231. But there's an attempt to address that by just having the requirements of both designations apply. And if they were in conflict, a decision was made, and one was removed from the other. But where we saw them as being compatible, so the example of the prohibition on oil and gas in the Lancaster Sound area and the setbacks for migratory bird habitat, we saw no reason to remove one or either of those two requirements of the Plan. So we effectively tried to articulate how they could be combined and both would apply.

David L: Yeah, we've had some discussion about this over the last couple of days. I'm not a land use planner, but I've had experience with land use plans. I find it confusing too. I think what the GN is saying is that – and I'll try to paraphrase – if there is an area that has some status pursuant to regulations – it's created as a Marine Protected Area for example – the Land Use Plan need not add to that. The decision has been made to protect an area under legislation. That should be good enough. I think that's essentially the point. No? Alright. I'm corrected. Vicki has corrected me.

Jennifer: Thank you. I think our confusion lies...I guess the question is, is it necessary to have two distinct land use designations applied to one area, or could.... I think it might be confusing to users, so perhaps just having one land use designation that would incorporate all the values that are addressed in the two separate ones. And obviously this would be the Commission's decision, but I think it would become confusing to have more than one land use designation applied to a certain area or a certain geographic spot. That's our interpretation of that part of the Plan. And I think that's where our concern is. It's just we find it confusing. Thank you.

David L: Okay. Any response, Jonathan other than you'll try to sort it out?

Jonathan: Yeah, thank you. We noted the confusion, and yeah, I just thought it might be beneficial to try and articulate the rationale behind what we were doing. We appreciate that it is not entirely clear.

David L: Okay, Stephane you had a question?

Stephane: Yes, Stephane Robert. I'm a little bit confused, and I will take an example. So we have between Rankin and Baker Lake, we have a transportation corridor. And this transportation corridor passes through different areas. So we have the Protected Area. We have a Special Management Area and some Mixed Use. So in this case, if a road is built, what will be...what will be the designation of this road, because it passes through a lot of different areas – Protected, Special Management Area, and Mixed Use? So that is really confusing for me and confusing for any people that want to do development. So I understand more a little bit about that. Thank you.

David L: Thanks, Stephane. Jonathan? Can you clear up the confusion?

Jonathan: I think I'm confused as well.

David L: More coffee please. Well, so am I, and I guess I'm....I was just talking to David about some of the terms. And I know this Plan has been in development for some time. But even the term 'Protected Area' confuses me. It has a different meaning in other contexts. These areas are areas where there are prohibited uses. So terminology is a bit of a challenge, and I think that is being reflected in some of the discussions. Yeah, sure.

Jonathan: Sorry David. I'd like to just give the opportunity for Stephane to reiterate his concern and confusion. In part I was a bit confused about the specific question. If you could just reiterate please?

Stephane: Yes. Stephane Robert. So on the screen here, we saw what I was talking about, about Rankin Inlet and Baker Lake. We have a transportation corridor. So if we, you know, build the road as an example, and this passes through different Protected Areas, Special Management, Mixed Use. So what will be the designation of this road? Is the transportation corridor will be prioritized over the different area?

David L: Stephane, maybe I can help a little. The analogy used, and it's not – because the term 'Protected Area' has different meaning – but think of Hwy 1 through Banff National Park. So within Banff National Park, certain restrictions apply to the highway, to the use of the highway. Outside the park, different considerations apply. It's still a transportation corridor, but depending on the geographic area it is crossing and the layers of regulation in that area, different rules apply. So one corridor passing through several different zones is not unusual in Southern Canada.

Christine: Yeah, Christine Kowbel. I think what the Chamber is trying to articulate is it's just a flag to the NPC, the challenge posed by any linear project – whether it's a road or a transmission line, any utility corridors – and how, sort of the unique features of that kind of project that might be presented by the approach in the Land Use Plan. Thank you.

David L: Peter?

Peter: Thanks. Peter Scholz, Nunavut Planning Commission. I'm going to try to summarize what the Plan currently does and how it's structured, and hopefully help clarify what's going on here. So I think take this Rankin to Baker corridor, for example. What the Plan says is over on the right

screen. It says there are several proposed corridors, including this list, which includes the Rankin-to-Baker. Now if you look at the regulations for polygon 47, included in the list of prohibited uses is all weather roads. So my reading of this, when I understood it, was that the Plan recognizes that a road between Rankin and Baker is envisioned for some point in the future, more or less in this location. However, because of the importance of polygons 47, my interpretation is that the drafters of the Plan felt that a Plan amendment process should be undertaken to take this corridor – to take a strip out of 47 or to revise protection measures in 47 before the road is actually, before the corridor is designated as a strip of land, which would allow for the road to be built. So basically is a way of ensuring that when the road is thought out, caribou are given very high level of protection. And there's a lot of community consultation before the final routing is chosen. Because at this stage, the best map we have is basically a broad brush pen. And on the scale of maps we're using, the width of the pen mark is kilometers wide. We don't...by the time we actually get to the point where a road is being built, that may change. So, the Plan is trying to recognize the long-term vision of the territory while protecting the current resources.

David L: Stephane.

Stephane: Liz will come after me, so if I understood, we have a transportation corridor but we cannot build the road there?

David L: Peter.

Peter: No, it's listed in the text as a proposed transportation corridor. It's not listed as a transportation corridor in the Plan.

Stephane: Just a second please.

David: Peter, if I can try to sum up, and I'll be corrected no doubt, if I'm wrong here. You've recognized the interest that has been expressed for a transportation corridor in this area. For the time being, that corridor is not a permitted use. It's...a road in that area is prohibited, but in time when a proposal comes forward, an amendment would be contemplated recognizing that there is a longstanding interest in that. Did I get that right?

Peter: Yes you did. That is correct.

David L: That's a relief. Alright, Luigi.

Luigi: I guess...Luigi Torretti, Kitikmeot Inuit Association. I guess the question for me ends up being, how long is an amendment going to take in order for a plan like this to be undertaken? As we all know, Nunavut is in serious need of infrastructure, and it takes many years for any kind of project to take life. Once the capital is available, how long is the amendment process going to take?

David L: Peter.

Peter: Peter Scholz. Thanks for your question, Luigi. This is the way my interpretation would be of how this would play out. So, let's say funding becomes available for building this road. The way I

think it would work out on the ground is that the people planning this road would look at this map and go like...and go, "Okay, we understand that people have talked about a Baker-to-Rankin road for a very long time. We know the concept is approved by the people of Nunavut, because Nunavut Land Use Plan has been approved, and it has been in operation for a number of years." They'll look at this map. They'll look at the regulations for 47, and they'll see the road is not permitted. Then they'll say, "Okay, we have two options. We can either go through 47, or we can go around 47." If you look at the map up on the screen, if they go 40 or 50 km out of their way to the North – and I have no idea whether that's technical feasible or not – I'm just saying, if they zig the road to the north, they can avoid 47 completely. This may be 5 years. It could be 25. It could be 50 years before this road is actually being built.

At that future date, the 47 polygon may not be applicable as it is now. The 47 polygon may have moved, because maybe the caribou calving areas may have moved, and information has come in, and the 47 polygon has been amended based on the information. Then there's going to be amendments every 3, 5, 10 years, whatever is appropriate, as we agree to. So if 47 is still as it exists, and they have to put the road through 47, they'll then apply for a Plan amendment.

So NPC will look at that and say, "Yes a road corridor has been envisioned there. This will have to go to community insight. We're going to need detail information on mitigations and that sort of thing." The communities, specifically Baker and Rankin at that point – the people will have a great deal of say of how they feel about that road going through. The Plan amendment process doesn't....can take a longer period of time, but for projects of this magnitude and with the kind of long-lasting impacts that would be derived, I would argue that taking the time and figuring out the proper mitigations and management of the road to protect the caribou would be appropriate, and it's worth that extra 6, 8, or 10 months to figure those things out in detail, to allow the Plan to be amended appropriately.

David L: Thanks, Peter. Stephane. Luis? Sorry, Luigi.

Luigi: Sorry, I wanted to thank you Stephane for allowing me a follow-up, or at least a follow-up comment anyway. Luigi Torretti, Kitikmeot Inuit Association. I appreciate your comment about switching the area and avoiding, potentially avoiding the designation by altering the road. Thinking from my area, in the Kitikmeot and the proposed roads there, that becomes a much more significant challenge to avoid a Protected Area. So it becomes much less flexible.

The other comment that I would like to make is that unfortunately – talk about a thorn in my side – unfortunately, in terms of infrastructures like this, it has not been government....the governments have not been the lead authorities in proposing or developing. I apologize. I'm not speaking for the Kivalliq region. But in my region, in the Kitikmeot, the governments have not been the lead authority speaking to roads. For a community, for a territory to grow, infrastructure is needed. If it is project proponents that put these forward, the project proponents are going to have some serious challenges logistically and from a capital standpoint to bring these projects forward. Government has time. They've got a lot of time. But project proponents, time is money. And it becomes - that window of opportunity really shrinks. So, again, I guess the question ends up being, is there a sped-up process for proposed infrastructure that is already recognized in the Plan? Because if it's recognized, maybe it could be sped up. What about projects not yet recognized? That becomes a whole other layer of complexity. So that's the end of my comment.

David L: Thanks, Luigi. I just – before I go back to Stephane – I'll point out that this is not a new issue. The Gwich'in dealt with it with Mackenzie Valley Pipeline. The plan was set up so that while there was a fairly broad corridor known for the pipeline route, the precise corridor was not known. So the planners built into the approved land use plan, a corridor – general - and then allowed for the variance once the precise coordinates of that corridor were established. That's one way of doing it. There are other ways of doing it, but it's not a horrendous challenge, and I think it can be managed efficiently.

Luigi: Thank you for pointing out the variance. I wasn't thinking that route. The amendment would probably apply for projects that are not there, but hopefully a variance would result in a quicker response in this scenario. Thank you.

David L: I mean, it was different with the Gwich'in because there was more definition with respect to the pipeline corridor, but you know, again, it's just an example of elsewhere that did work. Stephane. Sorry Sharon, go ahead.

Sharon: Just to clarify, there are a number of options, right? Peter spoke to a couple of them. Through the amendment process with the consultation and the review, it may be decided and acceptable that the path stay straight or that it be variance, or it would be amended. So there are many options, or it could go for an exemption. But those are all part of options.

The other thing, the amendment process doesn't necessarily need to take long. We processed one for a proponent, and it took less than 6 months, and that was the whole process. You know, it's depending whether we have the resources, like the funding to undertake all of these things, and that's an issue that the Commission is actively working on resolving so that we are very timely with responses and being able to process the amendment requests as they come through. So, you know, it doesn't necessarily mean that it's going to take a long time. It can take as little as six months, and that's the one that we did process. That's what the timeline was. And the Commission wants to be responsive and be efficient and ensure that we're not holding up projects. Thank you.

David L: Okay, Spencer. Is the check in the mail?

(Laughter)

Spencer: Spencer Dewar, Government of Canada. I guess our review – I think we might have misunderstood. When we saw a proposed transportation corridor, we thought it was proposed because eventually someone would be building an all-weather road. But the way I'm understanding it is NPC is saying that it's a proposed transportation corridor, so you're not quite sure whether transportation should be allowed there. I think the Plan, whatever the decision of the NPC or the Commission is, has to be clear. So it has to be a transportation corridor and allow for all-weather roads, or it's not a transportation corridor, right? So thank you.

David L: Okay. Yeah, Sharon.

Sharon: So for clarity, it's not recognized as a transportation corridor. It is proposed, and it's future. It's an identification that that's been identified to the Commission. Thank you.

Spencer: But it doesn't make....there's no special conveyance by saying it's a proposed transportation corridor, right? So the Plan should articulate where transportation corridors are agreed to and exist. So if it's a proposed....I would just like to see like transportation corridors clearer and allow for a reasonable expectation that, you know, they would conform to the Land Use Plan. Right? Recognizing that just because a road is being pitched, there's still a robust regulatory environment, environmental assessment and regulatory that would look at some of the impacts, right? So I think the Plan just needs to be bold and say, "There are the areas where we envision transportation, and transportation conforms to this Land Use Plan in these areas." Thank you.

David L: Thanks, Spencer. I guess I'd point out that I would...just looking at map and without much familiarity, those are pretty straight lines. I'd call them conceptual at best, and there is going to be a considerable amount of work before it becomes a proposed corridor. Then once it becomes a proposed corridor, there's going to be more work to define the actual route. So in the end, it may look entirely different. As Peter has said, the circumstances will change in the meantime anyhow. I'd caution people about getting too worked about this at this point when we're dealing with concepts and wish lists at best. Stephane.

Stephane: So the Government of Canada has identified infrastructure deficit, a big constraining factor in Nunavut. So what is the rationale behind land use amendment when the NIRB process conducts a complete review of any potential effect done to enter a job project?

As an example, an environmental impact assessment is around four years. We will spend 5 million of dollars and more, only to do the environmental impact assessment, plus the engineering fees of all that. So now what we put...so every infrastructure, because don't have infrastructure in Nunavut. The longest road in Nunavut is a road that was constructed by a private company. Agnico Eagle is 110km. It's a private road on federal land, commissioner land, IOL land. But it's a private road. Now every time that we will have to build infrastructure, we'll have another step in the permitting process to amend the Land Use Plan. So thank you.

David L: Thanks, Stephane. Any other comments? Yeah, Luis and then we'll take a break.

Luis: Thank you, Mr. Chairman. Luis Manzo from the Kivalliq Inuit Association. NPC is well aware of the research done in the transportation corridor based in the Keewatin Land Use Plan they did propose 12 years ago. It's explicit there, within the understanding of governments, which established to select that corridor. KIA took initiative to select the alignment. The alignment is practically what you have in the map, and it's exactly 50km wide. There's a reason why it's 50km wide. It's specifically economics. It was an assumption made that the corridor can actually be moved in one specific area in order to make it happen, but economically it's impossible. We map all the materials. We map all the materials and all the alignment that can be used to build that road to do an economic assessment in that corridor in order to put numbers to each km to be built in that assessment. And that assessment is being built according to the Keewatin Land Use Plan recommendations. We'd like to see that corridor remain as a corridor of alignment, which is what we call existing alignment in the Keewatin region, that's now a formal. Where in those 50km it's going to be will depend on who build the road and some engineering decision. But that's based...any road is based on two things in Nunavut: One is your water crossings and two is the materials to minimize the cost of your road. There's not going to be (?) With those 50km. The documents are valuable, and economic development and transportation has it. Federal

Government provides us the funding to do that, and it's being agreed....I don't think we are off in here, but we want to make sure that designation – this is a corridor, in those areas. You can't invest money and then tell me there's not going to be a corridor. I have an existing approved legislated land use plan that would base all that research on. We will recommend the Commission to consider very seriously, because it's an access. It's not – 60 engineers coming with alignment. That's all the information that our consultation across Manitoba and Nunavut is being carried out. Thank you.

David L: Thanks, Luis. Jennifer is it quick, or is it going to result in more ongoing discussion, because we can do it before the break or after.

Jennifer: Thank you. We would like to be able to make our point. However, I realize that more discussion can happen after the break. I'd like to thank Peter for providing a good explanation of the process that could potentially arise in a situation like the one that we're talking about with proposed corridors going through multiple land use designations.

The GN would like to say that we rely on the processes that are outlined by the Nunavut Planning Commission, because they do allow for consideration of the current environment that is within these places. It allows for proper consultation with the affected communities, and also for the specific prohibited uses that may be stated within the land use designations, for example within core calving areas and key access corridors. So the GN does have concerns that if there were a corridor designated as was suggested by the Government of Canada, that it may reduce the opportunity for implementing the terms that are stated in a specific land use designation, like the Protected Areas or Special Management Areas. Thank you.

David L: Thanks, Jennifer. That's helpful. Okay, let's take a 15 minute break and then pick up the discussion as need be.

BREAK

David L: Okay, folks. We're going to get going again. But I just wanted to throw up a slide on the screen. It kind of illustrates where land use planning can take us or not take us. I don't know if you can read it, but basically the couple is in the middle of nowhere looking at a map, at a plan. And the caption is "This is just going from bad to worse." I don't think that applies in this particular case, but that does say something about land use planning. Alright please grab your seats, and we'll get on with the discussion. Stephane and company, did you have any follow-up comments to make? I don't know if Stephane is here any longer. Alright well, I'm....Elizabeth, do you guys have any follow-up comments? Alright, well you contemplate, Naida you do have some comments to make?

Naida: Yes, I was just going to follow-up on the Luis' comments from the Kivalliq Inuit Association and the submission – the NTI and RIA submission – we did emphasize the Kivalliq-Manitoba corridor. One comment is that not all the corridors are as well developed as others. In the case of the Manitoba-Kivalliq one, there is a formal delineation that arguably could have its own designation. In discussions, I think what would be easiest is a Special Management Area that would then deal with terms and conditions for whatever the NPC thought was necessary,

whether that be caribou or community consultation. But for corridors that are further along, there needs to be, I think, some planning for it beyond plan amendments.

David L: Okay, thanks Naida. My sense of it – and I guess I'm in agreement in that the nature of these proposals, some are better defined than others. Some look to me like somebody just took a ruler and drew a line from one community to another on a map, and there's no real alignment. It's conceptual at best. Until there's more detail provided, it's pretty difficult to set aside a corridor. It may be entirely the wrong corridor, and then another amendment is required. Yeah, Sharon.

Sharon: For clarity, we're not proposing a corridor. These are anticipated. We have...what we have, I just asked our staff. We have a map, no further data than a proposed map with no definitive routing from Kivalliq. We have no information from other parties of definitive corridors. So when we say "anticipated," it's the Commission's best guess. We hear what everyone is saying. So we'll go back and give it further consideration, but if any of the parties have definitive information that they want to provide to the Commission, the Commission is very open to taking that information. Thank you.

David L: Thanks, Sharon. Stephane?

Christine: Christine Kowbel. I just wanted to clarify that I think Baffinland has provided shape files for the approved southern shipping route. That's an actual corridor rather than a proposed corridor, and so we'll provide a follow-up written submission after the hearing so that the NPC has that information. Thank you.

David L: Jennifer, do you have any comments at this point?

Jennifer: Thank you, David. This is something that the GN would like to have more discussions internally about, so we have no further comments at this time. Thank you.

David L: Great. Thanks. Alright, Spencer.

Spencer: Hi. Spencer from Government of Canada. I just want to restate our position. As we see it, the proposed transportation corridors now, we don't see that conveying any special status. We think it may lead to confusion where people think this is where roads can be built. So we'd ask that NPC, you know with the parties, come up with transportation corridors where roads could be built, or where they would be preferable, where they would conform to the Plan, right? Thank you.

David L: Okay, why don't we leave this topic now? I'll ask Jonathan to move on. I'm hoping that we can wrap this chapter up by noon, but we'll see.

Jonathan: Okay, thank you very much David. That will wrap up Section 7.4 on Land Use Designations and Terms. As we've noted, we have received a number of comments, and they will be given full consideration.

Section 7.5 includes Generally Permitted Uses. The first and third, I'm not aware of any comments on Remediation and Reclamation, and the Establishment of National Historic Sites.

There was a bit of a clarification from the Government of Canada on administration by Parks Canada, and I think that was clear. The middle one, though, Accessory Uses, caused a deal of confusion and we have received comments with some proposed clarifications. I just wanted to make a comment that may help the participants. The concept, as far as I understand it, of Accessory Uses stemmed from the concept of a use being allowed in an area where perhaps there was infrastructure existing – for example, there might be an airstrip or runway in an area where certain activities would be prohibited. But it may be beneficial to use that airstrip to access adjacent areas. So that was the example that was discussed. An Accessory Use was an attempt to allow that type of activity. So if an airstrip occurred in a Protected Area, for example, and there would be benefit to utilize that airstrip to access an adjacent Mixed Use or Special Management Area where the use would be permitted, that was sort of the incentive for trying to incorporate Accessory Uses. And we appreciate that the definition may require some clarity, and that could benefit from some additional consideration and discussion.

David L: Stephane.

Stephane: Stephane Robert. So, can you clarify when we talk about Accessory Use, what criteria are you going to use to define customarily, because in the definition, you have both accidental and customarily. So can you define what criteria will you use to define that? Thank you.

David L: Jonathan?

Jonathan: Thank you, Stephane. I'm not prepared today to clarify a definition and further expand upon that. We appreciated the concern has been noted, and I know there have been suggestions among the various submissions that will be considered. If we have not commented on that, additional suggestions would be appreciated, but I guess I don't have a response today. Thanks.

David L: Okay. Any other comments? Yeah, Jennifer.

Jennifer: Thank you, David. The GN would like to note that we have a similar comment to the one that was just made regarding Accessory Uses and the criteria used to determine them. We also had a comment regarding the conformity determination process that may be used for an Accessory Use. Perhaps the Commission could provide additional clarification on how that would unfold? Thank you.

David L: Jonathan?

Jonathan: I think the issue as we've noted requires further clarification on how those uses would be more explicitly defined, and if that is developed, it would roll into the Conformity Determination process the same way, determining if a use is a prohibited use or not. If those are clearly articulated, it would be part of the Conformity Determination process in the same way, appreciating that's not clear in the current Draft.

David L: Okay. Any other comments? Jonathan you want to go on?

Jonathan: Section 7.6 deals with Existing Rights. Again there have been several comments on this issue. It references some NUPPAA sections. I won't particularly try and paraphrase people's comments. We have noted them. The Government of Canada, in particular though, did identify a suggestion

to expand upon the existing rights as they are identified in NUPPAA. These were minimum standards that the Land Use Plan could expand upon. It concluded with a line that when 10 years expire, the prohibitions would then become applicable – the prohibitions in the Land Use Plan. It wasn't quite clear to me – and again, this is another issue that requires additional discussion - if there would be an opportunity in there for terms and conditions to apply in these cases. NUPPAA does discuss different variations of what existing rights would be preserved under different scenarios of work stoppages and rebuilding. And it does differentiate between prohibitions and terms and conditions, and their applicability depending on when a plan was approved or amended. And the language in the Canada submission, I think it didn't differentiate between those two, and we were wondering if you had any thoughts on that.

David L: Thoughts welcome. Stephane.

Stephane: Stephane Robert. On the existing rights, I want to clarify something, because the mining industry, the first thing that they do is exploration. So if we have a site that does exploration, so that is an existing right. So is the existing right will be good to do mining or if...what really? Because a mine starts by exploration and go to a mining. But if you do drilling, but you are in a zone that's prohibited, but you can do exploration because it was existing right, but you cannot do a mine...so that will lose all the investment that we will put. So I want to have clarity on that on the existing use. Thank you.

David L: Sharon.

Sharon: Thank you, Stephane for your question. The answer is subject to ongoing discussions that we're currently having. So we can't give a definitive answer today. Thank you. Oh, and it was Sharon from NPC.

David L: Spencer?

Spencer: Thank you. Spencer Dewar, Government of Canada. The federal position on existing rights is we'd like to see that mineral rights have the ability to advance to other stages of the life cycle. Where you'd originally start with a prospecting permit, someone could think that the switch to a mineral lease would be, you know, a change in use. So as you're doing early exploration, and then all of a sudden you start to do exploratory drilling, and then eventually a mine. We think if there's an expectation that a company or a proponent that has started the process should be able to go to the final stages. Right?

So we're just saying from a conformity perspective, we think that they should be grandfathered, not need conformity to go to the next stage. That's not to say that they'd be exempt from EA, right? We'd still have all those processes that would take care of the impacts, etc. What we're trying to avoid is a wet blanket being thrown over the economy, changing everyone's sort of tenure as they understand it, recognizing that no one does mineral exploration for the sake of mineral exploration. They are all trying to take it to the next level of a mine, right? So we need to have the transitional clauses to give the existing rights a chance to mature and actualize.

David L: Okay, just an editorial comment I guess: In the case of prospecting permits, those cover huge areas and could kind of override a number of other interests in that area if there was a blanket

acknowledge that those are preexisting rights that kind of supersede anything else. It's just a comment.

Spencer: But a prospecting permit is in place for a finite amount of time, right? And it would eventually expire, right? So it would be incumbent upon the proponent to advance the prospecting permit to you know, a mineral claim, which would probably be a smaller footprint. And then from a mineral claim, they would move to a mineral lease, which would probably be even a smaller, you know. So what we're trying to do is protect that causal link from Point A to Point B, right? But as the proponents give up their tenure, then all of a sudden the designation would then apply for any future uses, right?

David L: Okay, thanks. Naida.

Naida: I did have the opportunity to communicate with NTI legal services on this point, as we discussed the first day. They have expressed some uncertainty whether NUPPA, in fact...the provisions are just a minimum of what can be exempted. So they've asked whether there can be more communication with the Government of Canada on the details of the legal opinion on NUPPAA, as well with NPC. The main point being is that the right interpretation that everybody agrees on needs to be established. Because the consequence is that, you know, someone could contest the Land Use Plan based on the existing rights issue not being properly dealt with. So I would just ask Spencer whether we can have some communication as to how to get our respective colleagues in contact.

Spencer: Spencer Dewar, Government of Canada. Yeah, of course. We built NUPPAA as a collective, so we certainly want to implement as a collective as well. So we can have those discussions for sure. Thank you.

David L: Sorry, Luis?

Luis: Yes, Luis Manzo, Kivalliq Inuit Association. I just want to make a comment to the Federal Government position, which is the same question that we raised in terms of the grandfather part. In the Land Claim, there is existing easements to certain properties. But I want to put an example of one conflicting property, which is in calving ground, which in this case will be Ferguson Lake, which is a donut in the center of the calving ground without access. How do we have access to that right? We don't have adjacent access? And then on top that we have a new designation, which prohibit any...that kind of use. So that's just something that needs to be clarified. But the Claim clarifies some of those projects – Kiggavik, Cumberland, Meliadine – but not for the existing new leases the Federal Government has. I will ask probably the industry to provide those easements. They should be actually put forward. There was an exercise in the Claim in order to make sure the right was being exercised. Otherwise, you've been entering in a conflict of designation clashes. You know what happened, we had a long process before investment is getting into those properties. So I just wanted to have the certainty of the Claim that the lease adjustment is being actually provided if that's possible, because it could be different ways you can...but I'm sure it's existing land adjustment in those properties, especially the leases. Thank you.

David: Thanks, Luis. Stephane.

- Liz: Thank you. It's Elizabeth with the Chamber. With respect to NTIs previous comment regarding more communications with the Government of Canada with respect to existing rights, industry, we would like to be part of those discussions due to our existing claims. Thank you.
- David L: Thanks, Elizabeth. I can anticipate that the GN would like to be party to those too? And so would a number of others. Well, there you go, another working group. Any other comments on this particular section? Okay, Jonathan?
- Jonathan: Thank you very much, David. The majority of the rest of the chapter deals with sections that are also addressed in the Internal Procedures. As we have stated, we have received a number of comments on this document that applied generally in terms of the way we are referencing NUPPAA and the way the section's outline or the requirements. I'm not going to go through those or note any particular concerns. But as we proceed through Conformity Determinations, Minor Variance, Exemptions, Plan Amendments, Periodic Reviews, there's a section on Additional Research, and a final note on Enforcement. The Plan identifies how these will occur, and we have already established that will need some reconsideration. If anyone has any comments, they'd be welcome.
- David L: Yes, please.
- Jackie: Thank you. Jackie Price, Qikiqtaaluk Wildlife Board. I was wondering if the Commission staff could just provide a little bit of an overview on how the section on additional research and studies was formulated, and what kind of boundaries or... just essentially, how did they come up with what they have presented here? Thank you.
- David L: Thanks, Jackie. Jonathan?
- Jonathan: Thank you very much for the question. This section on Additional Research and Studies was pulled together based on our experience developing the Land Use Plan of areas where we could benefit from additional information to further refine the Plan, as well through our discussions with communities. In some cases, concerns were noted where the Land Use Plan might not fully address those concerns. It was identified as potential priorities for future research. We'd also note that we sit on the secretariat – oh, sorry the steering committee for the Nunavut General Monitoring Plan where there are some research projects that are funded. We identify projects that support land use planning and allow us to develop land use plans. So these types of priorities would also be pursued through that organization as well.
- David L: Any...Stephane...Chamber I should say.
- Stephane: Stephane Robert. On Section 7.10 on Plan Amendment, on Point D, the review we say one of the bullet is 'have an adverse impact on wildlife, wildlife habitat and community use.' So what authority is under the NLCA and NPC would carry out its own impact assessment? Thank you.
- David L: Jonathan? Sharon?
- Sharon: Could...Stephane, could you rephrase your question, please? We're not sure what you're asking us. Thank you.

- Stephane: So on Section 7.10 D, the third bullet, it says...to say if, whether or not the proposal amendment would have an adverse impact on wildlife, wildlife habitat and community land use. We talk about impact. So the question is what authorities under the NLCA, NPC would carry out its impact assessment?
- David L: Sharon?
- Sharon: Thank you. I don't have my Land Claims in front of me right now. We will look it up, and we will get back to you and give you the group announcer.
- David L: Stephane, if I can just add. I don't think they're talking about full-blown impact assessment here. It's...based on the information they proceed, whether or not the Commission thinks that there could be a significant impact. I don't think we're talking about duplicating a NIRB process, for example, if that's what you're concerned about.
- Stephane: Because really, that to clarify (?) this view, you have an impact, you need to do a full impact assessment. That is part of Nunavut Impact Review Board. So that was my question. Thank you.
- David L: Yeah, and I understand the concern. As you've heard, the Commission will try to clarify that. Any other comments? Yes, Naida.
- Naida: Naida Gonzalez. I just wanted to comment on 7.12, Periodic Review and Monitoring: It was the assurance I was looking for earlier in the day that a periodic review would happen every five years, appears to be in the Land Use Plan. It says a periodic review should occur every five years. I'm sure we would prefer "will," but I would suggest that the Procedures this morning are not in line with what's in the Draft, and we prefer what's in the Draft.
- David L: Okay. I think that's registered. Any other comments, concerns? Yeah, Spencer.
- Spencer: Hello. Spencer Dewar, Government of Canada. So these comments were proposed before we saw the Internal Procedures, and they're around cumulative impacts. So we noticed that the Plan has the Commission's ability to forward things to NIRB for screening when there are concerns over cumulative impacts, referenced as a term in the back tables. We see that ability exists everywhere, because it comes from the NLCA. So we thought it would be best to maybe not have it as a term, but maybe change in the term to say that you know, this is an area that could have cumulative impact concerns. But then in this section, in between 7.8 and 7.9, we'd add a new section, which talked about how cumulative impacts would be assessed. It's almost like extracting what's in the internal procedures into the document so you can read them and see them there clearly.
- David L: Any comment from the NPC staff?
- Jonathan: Sorry, just to clarify: The proposal or the suggestion is to incorporate the criteria or guideline questions from the Procedure into the Land Use Plan itself and maintain in the Land Use Plan potentially identifying particular areas that may be of concern, but not including them as a term under the Land Use Plan.

Spencer: Yeah, the term as written now comes from the NLCA, so we think it's a blanket of NPC to do it any time. So when we see it specifically referenced in terms of specific sites, it almost diminishes the ability of NPC. But I do think how the terms are outlined, you know, highlighting that this is an area that NPC sees a potential for cumulative impacts, is probably good guidance to proponents. But I think maintaining and being clear about the right to send things to NIRB when there's cumulative impacts is across the territory. And we have offered some wording that could be in there, and I think we've highlighted that you should discuss with NIRB to get something finalized. But we're just trying to provide some guidance on how we think it would be more accurate to the Claim.

David L: Okay. Sharon?

Sharon: Thank you, Spencer. The Commission accepts that, and we will further consider it and look at it. Thank you.

David L: Any other comments from anyone? Alright, well, we're apparently at end of the Draft Land Use Plan. One outstanding bit of business is the caribou workshop, proposed caribou workshop. GN had asked that we have some discussion about that, so I'll ask Jennifer.

Jennifer: Sorry, David. We were having discussions. But yes, thank you. We would like to hear a little bit more from the table – from around the table - with respect to the caribou workshop; perhaps a little bit more about what parties' expectations might be for such a workshop and what the outcomes of a workshop would be. Perhaps NPC could share that with the group so that we could have a better understanding of how this workshop would facilitate the planning process. As we get closer to the public hearing, I think that would be useful for everybody so that we may be better able to plan our meaningful participation in a workshop such as this one that has been proposed.

David L: Okay, just to remind folks: The notion of a caribou workshop came up early in this meeting, given that issue of caribou conservation and calving ground protection and mobile protection measures, and conflicting land uses and so on, is one of those thorny issues and central, I think, to the interest of folks in Nunavut and elsewhere – folks across the border in the NWT. And it was clear we're not going to resolve that problem in this forum, so the suggestion was that a separate meeting – a technical meeting be set up with the intent of at the end of that couple days – probably - session, that there would be some recommendation that the Nunavut Planning Commission could consider in developing the Plan. So that was kind of the impetus of it. The Nunavut Wildlife Management Board, perhaps not coincidentally, was planning a caribou workshop anyhow, so the idea started to gel that perhaps we could accelerate that timing. In addition to the caribou protection measures, I think that Nunavut Wildlife Management Board was initially focusing on broadening the scope. So I'll just turn it to the Nunavut Wildlife Management Board perhaps to explain what their thinking was about the caribou workshop you were proposing, and then we can try to figure out where we go from there.

Karla: Thank you, David. This is Karla Letto with the Nunavut Wildlife Management Board. Yes, the NWMB was considering having a caribou workshop. The intention of the workshop that we had in mind was to bring in experts, both scientific and Traditional Knowledge holders to discuss the most current research in the field with caribou and disturbance studies. So that was our intention. We wanted to have a bit more of an educational day followed by a day when

workshop participants can kind of draw on the information that we heard from these experts, and try to come up with either new...or update the caribou protection measures or discuss other options that we can do to protect caribou. When we started conversations around the table on Day 1 about how NPC could have a caribou workshop as well, we thought there could be potential there, that we could combine both of our workshops.

We would still like to have our as an information sharing session part of it but are open to partnering with other organizations. Maybe it could be a 3- or 4-day workshop where we have Day 1 and 2 could be the technical part of it. We are getting the information and using that information then to draw on different strategies. We can discuss the pros and cons of mobile protection measures, what other jurisdictions are doing, what area closures or seasonal restrictions, and being able to pull on the experts in the room for their knowledge. And then that could lead to maybe Day 3 and 4, a bit more of what the Planning Commission, I think needs, and actually finding out how what was discussed in those first two days could then go into the Land Use Plan. When NWMB started it, we were thinking more of a smaller workshop here in Iqaluit, but now that there is interest from a lot of organizations, we would like to maybe draw on partners to help with that if it's going to be a larger workshop.

David L: Bert?

Bert: Thank you, David. Yeah, just to maybe update to how this discussion started. We identified it on the first day that NTI does not have a position yet on caribou protection measures or how that perspective or that view could be put into the Land Use Plan. We have had meetings with the Regional Inuit Associations, and there have also been consultations or workshops with local Hunters and Trappers Organizations and Regional Wildlife Boards. And there is various views on it, so it's a politically sensitive issue for the NTI Board with those competing priorities – with land management and Inuit Owned Land, as well as caribou and protecting caribou, how to go about doing that.

Again, as mentioned on Day 1, I think it's a similar situation with the Government of Nunavut. And although they have a cabinet direction and they've submitted their information into the Land Use Plan, we knew coming into this Technical Meeting that it's not like all the parties are ready to give some clear direction to the Planning Commission of "This is what works." So that's where the idea of a workshop came about, and to have that discussion with the different parties, and that's when we became aware of the NWMB's plan to hold one as well.

Over two years ago, at the Mining Symposium, they actually brought the three Regional Inuit Associations into a meeting at the Nunavut Wildlife Management Board to see how we could get some discussion on caribou protection measures, and how we could go about doing it. So we've been advocating it. We've been promoting it. We're willing to help facilitate and organize and work with all the different parties, including the Planning Commission. I realize capacity demands, all of that is part of it, but I'm optimistic. We'll have to follow-up with the Government of Canada as well as others in terms of how we can plan a productive session that would include all the different parties. If there is different components to it, as Karla has mentioned, I think that's helpful.

The location, I think originally we talked about Arviat. In September, the dates didn't work for people. It sort of got moved into October and possibly Rankin, just because there is more hotel

space and accommodations for people. So, the goals and how it will come about still need to be flushed out a bit, but I think we're all on similar grounds. We may have different priorities that we want to focus on, but we'll have to get that organized. And I know industry has also indicated that they have a stake in this. And again, as identified on Day 1, we want to make sure that whatever we're doing is done in a transparent way and feeds into the Land Use Plan. We need to be more aware and get ourselves more familiar with the policies and procedures and how do we hold a workshop and get all the views together.

The challenge will be just getting all the partners together at that time, but I'm hoping that there will be support to do that. We're definitely willing to work with the Planning Commission on that. Thank you.

David L: Any others? I assume the Government of Canada would be engaged in that workshop as well?

Spencer: Yeah, that would be our intention.

David L: Planning Commission?

Sharon: Thank you, David, and I thank everyone for their comments. It's Sharon from the Commission. We see this as a good opportunity and very supportive of the workshop, and we would like to participate of course. For us, clear direction and mitigated measures that are identified to the Commission would be the goal of what the Commission is. I think Karla's summary of what the workshop might look like is a good outline. I think that is the goal of what we've heard from the group here around the table, the many concerns. And I think flushing out some of like the mobile measures, what does that really mean? What does that look like? What are the expectations?

I think as you all can empathize, we for example... we received 300 - over 300 pages - of submissions late on Monday, so we still have to analyze and look at what all of that means. So once we have that ability to look through those, we can have some more tangible questions and issues to be clarified. We think that this is an excellent opportunity. We've been waiting for this kind of information for a long time. It's a good step forward. I'm not sure if there's consensus for the date, but I've heard the week of October 7th in Rankin Inlet. We would look to co-partner with the group, not specifically be the lead on the workshop, but absolutely the outcomes of the workshop would be the direction of what the Commission is looking for. Thank you.

David L: Thank you, Sharon. Wildlife Management Board?

Karla: Thank you, Sharon. Karla with the Wildlife Management Board. After talking with staff in our office, that week October 7th we don't think is going to work for the NWMB. We have, some of our staff are already going to be on duty travel, and we did have some other timelines in mind for what we wanted to do preceding the workshop. For example, we wanted to hire, or put out a request for proposals to come in, for someone to do a full literature review for us and to look into what other jurisdictions are doing, as more information to go into the workshop. So we were thinking the end of October or early November might be a more realistic timeline for us. Thank you.

David L: Okay. I don't know that we can do much more now than confirm the interest. And I guess what I'd ask people to do is if we can now, obviously we need a small working group, planning group. I'm assuming that the Planning Commission could put somebody on that; Nunavut Wildlife Management Board obviously; NTI; GN... Maybe the four organizations can delegate a person each to start the planning for this thing in a little more detail and resolve the date question and start flushing out a terms of reference or an agenda. Is that something that people can agree to now, that they will nominate somebody? This would just be, just to plan the workshop, to assist the Planning Commission, the Nunavut Wildlife Management Board in logistics planning, basically, and the agenda development. Jennifer?

Jennifer: Thank you, David. Yes, that is something the Government of Nunavut can do. We can work together with the partners and NPC to flush out what this workshop might look like in more detail. However, perhaps more discussion could happen after this after the roundtable session. Because I think there are some questions that could be answered today amongst the parties and the NPC that would help to give a clearer direction to the workshop itself. Yeah, I think that's our suggestion. Thank you.

David L: Well, I mean, we've got the people here. We could address some of those issues now if you'd like, but it might be wise to put those issues on the table and let people think about them a little bit. I'm trying to avoid having to come back this afternoon if people have other plans, but we do have the afternoon to work on this. Sharon?

Sharon: Thank you, David. Sharon from the Commission. I'll just ask the group to remember that the Commission did have the date in November for the Public Hearing and the anticipation of being ready for that Public Hearing. So the quicker these types of sessions happen, the better prepared and informed the participants will be going into the Public Hearing. Thank you.

David L: Agreed. Yeah, there's a point there and then I'll get back.

Mike: Mike Settingington with Environmental Dynamics, and I'm speaking more on behalf of industry than Baffinland in particular right now. The Government of Nunavut was particularly interested in outcomes and objectives of the workshop. Our concerns around environmental impacts and being an assessment biologist, is that we recognize the amount of data and information, the amount of work that the Government of Nunavut and other parties have put into caribou research over 30 years in Nunavut. And we see a lot of protection measures coming out of that work, a lot of data being derived, particularly for the mainland caribou. We appreciate the work that in particular, my colleague Mitch Campbell has conducted as well too, well respected.

But what we are looking for specifically and what has been missing is really the supporting evidence and methods of defining these specific boundaries of Protected Areas when we're talking about exclusion of activities. We're going to have to be very specific on how these boundaries are being defined. The first that we heard of these methods were a few bullet points provided at the presentation. And I'm sure that the Government of Nunavut has more evidence to present on how they came up with these boundaries, but this is something that we particularly need to see, probably before this meeting and then have discussion about it at the meeting. So supporting evidence for the boundary and the methods used to define them.

The next thing that we'd like to see in particular – and I think the NWMB was talking about this, and this is particularly important for I suppose the Western or scientific experts and the Traditional Knowledge holders and community users and hunters – is clarification of the interactions that really do affect caribou populations in calving grounds, looking at the disturbance and what is it that is affecting caribou? What is it that we're trying to protect? And right now it's easy to say "Exclude everything so we can allow the caribou to recover," but we don't really know what it is that we absolutely need to exclude. So I think that could be a good discussion at this workshop as well. So those are the two key things that we'd like to see as industry. Thank you.

David L: Alright, thank you. In the corner?

Peter: Thank you. This is Peter Kidd with the NWMB. When we had initially discussed having this caribou protection measures workshop, the goal was to bring the main caribou scientists and harvesters around the table to discuss some of those issues. But we weren't prepared to bring in the industry aspect of it. We know the industry has a lot riding on these as well. But being the NWMB, our main concern was the protection of caribou. That to us, is what is most important. And we also want to recognize that mining has a lot at stake here as well.

But before we get to Phase 2 of this workshop, we really wanted to nail down what the impacts are on caribou, how we do mitigate them. Then phase 2 would be the NPC side of things where we bring everybody around the table to hash out how we implement these measures and what goes into the Land Use Plan and what doesn't.

But our focus is primarily on the protection of caribou so that we can continue to see caribou for generations down the road. So that is really what we want to see in the first phase of the workshop. We understand the timeline that the NPC is working with too, but we don't, we don't want to rush this, because we know how important it is. Everybody has a stake in caribou in Nunavut. And being so valuable and important, I don't think we need to rush. We understand the importance, and we are going to do. And we're going to do it soon. But I don't think we want to cut corners on this one. Thank you.

David L: Okay, thank you. Yeah, Mitch.

Christine: Thank you, Mr. Chair, Christine Kowbel. Not to speak for my client, but I think absolutely the importance and concern about protecting caribou is absolutely shared across the industry. You referred to the goal of the meeting was to bring together wildlife experts. I don't need to take probably time in this meeting, but I'm happy to, I think Mr. Settingington would be happy to speak to his background. But Mike Settingington is one of those experts in this field, if not the leading expert in the Arctic on some of these issues. Thank you.

David L: Thank you. Mitch, did you want to add something?

Mitch: Yeah, thanks very much. So, all these examples provided by Mike are easily shown, and we'll bring that to the table. But what would be extremely helpful as well, on the other side is – and as just indicated, Mike's experience working with industry - if we can have examples on the other side too. It seems to always be kind of a one-way street of us showing facts. It would be good to see in the mining sector, any evidence of no effects based on what they've seen. So that

would be very helpful to have, because we've never actually seen that any of that kind of information. Just trying to...it would be good to have both sides of the coin going, instead of the reliance always being on, you know, the one side. Thank you.

David L: Thanks Mitch. Other comments? There's clearly a fair bit of convergence of interest, but there is also a lot of detail to be worked out in planning this thing. Once again, in the search for perfection, we sometimes delay getting to the pragmatic. The absence of complete knowledge and full knowledge is not necessarily an impediment to taking conservative actions quickly. And I've got to...we've got to agree that all the cards need to be on the table. If we're looking for full information and full disclosure, and the best possible solution, then let's get at it. Caribou are just too important to delay the needed discussions. It's not just the Land Use Plan. It's caribou in some crisis at this point. Jennifer.

Jennifer: Thank you, David. Just to follow-up on that: I think...and I realize we're getting to the end of the session and it's almost lunchtime. So perhaps we could propose that after lunch, maybe the four parties meet to discuss this and the Wildlife Management Board – Nunavut Wildlife Management Board – to discuss this in a little bit more detail outside of this venue? Because everybody is here at the table today, so it would be useful I think. Thank you.

David L: Yeah, I'd go a little further, I guess. Make sure that the four parties are able to do that, but also if others want to sit in on and listen to the discussion, they would be able to do that. Bert, are you good with that? Okay. Planning Commission? Okay. Nunavut Wildlife Management Board? Okay. And obviously the GN is. The Chamber.

Spencer: Us too.

(Laughter)

David L: You know, how could I overlook the Government of Canada? Elizabeth and then Henry.

Henry: Thank you. Nothing serious, I just wanted to say that there was one person who said about caribou one time, if you really want to manage caribou, you have to put fences around them. Just to make you laugh. Thank you.

(Laughter)

David L: Yeah, Wildlife management is often a misnomer, often a misnomer I think. Elizabeth.

Liz: Thank you. Elizabeth from the Chamber. Obviously, there is still a lot of discussion, and there doesn't seem to be a clear plan yet for how to provide proper management and protection of caribou. So it is our position that a Public Hearing not take place until such time as these issues have been properly discussed, and that an appropriate management strategy is being put forward. Thank you.

David L: Alright, thank you. Any other comments on this? Well, it's a quarter to 12. I think we can wrap things up with respect to this Technical Meeting now. I haven't had a chance to talk to the Commission about kind of next steps. But perhaps I'll turn it over to Sharon to outline that. I think what we can commit to as facilitators is getting out quickly – like within the next week or

so – the key (and it'll be a short list), the key decisions or key issues that were discussed and some direction on that. The fuller report of the meeting will be available at some point, and the Commission will be in charge of that. We will have a transcript available, a rough transcript pretty quickly, and a more detailed one in a week or two, a more complete one.

I guess I...before I hand it over to Sharon, I just want to say that I've been involved in this Nunavut Land use Planning exercise since about 1980, actually probably a bit earlier than that in one form or another – Lancaster Sound, Kitikmeot, Kivalliq, Keewatin as it was once known. And it kind of goes in cycles, right? Progress is made early, and then things have slowed down, and that's typical of land use planning everywhere. In this particular case, the planning process has been difficult, very difficult at times. The independent third party review pointed out the difficulties and made a number of recommendations about how to move forward. I just want to say that I've seen a huge change in attitude and engagement and major progress, evidenced in part by the meeting here, but notably in the submissions that were received by the Commission over the weekend. A real, I think a real shift in commitment and professional engagement, and I just want to congratulate everybody on that. So Sharon?

Sharon: Thank you, David. You kind of took my words.

(Laughter)

Yes, I was going to acknowledge that, and staff have identified how appreciative they are of detail of the submissions. Of course, we have more analysis to do with them, but the initial review, it's a lot of tangible information that we've been looking for, for a long time. The active engagement that we do see, we're very appreciative and respectful that this momentum keeps going forward. The turnout at this meeting - I believe I can fairly say on behalf of the Commission - demonstrates the willingness and the attitude that this is a priority and getting a good Land Use Plan in place. As we said at the beginning of the meeting, we are the gatherers of the information and the holder of the pen, and the Plan is only as good as the information and the participation we have to move it forward.

In terms of next steps, we've heard a lot of information this week, and we've had discussion with various partners around the table about our agenda for our Prehearing Conference, which will go ahead the week of July 14th. However we're looking at some of the process issues that we do have on the agenda and amending the agenda to ensure that intent of that workshop addresses some of the outstanding concerns. We've heard from some of parties that they may not be ready with some of their information. We see that as that's fine. We're looking at changing the agenda. We want to meet the needs and very seriously make the commitment to all parties that we've heard what you've said this week. We'll be moving forward.

In regards to the various workshops with polynyas, the GIS and the caribou, we will have the Commission team...we don't have our GIS technical staff here, so we'll have them follow-up with the groups so we can establish. I think these are not so complex that we can't get these resolved working collectively and getting an email out of when we can, if it takes a day in person or if we can resolve it on a teleconference. I think there are technical issues that we just need to ensure that the datasets that we're using, we have agreement on. The same with polynyas. I don't see that as a major issue.

So the caribou – Brian will be the lead from the Commission. Bert, I believe you're the lead for NTI. Spencer...

Spencer: Good first point of contact. It may change.

Sharon: Liz, I believe you'll be the contact for the Chamber, correct? And Jen?

Jennifer: Same as Spencer – good first point of contact. We can decide from there.

Sharon: Okay, thank you. And then for NWMB, Karla? And NIRB, Sophia? I don't see Tara here today. I hope she's feeling okay.

Sophia: Yeah, I can be the lead for that for now.

Sharon: We'll make sure that all parties are included.

Christine: Sorry, Sharon. Just for Baffinland, Baffinland has requested that Mike Settrington be their lead.

Sharon: Okay, thank you. And if industry wants to send more people, you know, we want the best information at that workshop. So as I said, we will co-work the group. I don't know what the proper terminology is, but to ensure that the timeline is met. With regard to some of the research, we'll have to look at what's applicable. What we need for the Land use Plan may be not as in depth as the in depth research that the NWMB is looking at. So the timing for that, if we can try and getting it for the October timeline, and we'll work with parties to come up with a common date and make sure everybody – well I don't know if everybody's going to like the date – but that we can live with it.

On behalf of the Commission team, we really appreciate the constructive input. We would like you to continue to provide it to us. Our staff is always available. We upset our website, Nunavut.ca pretty much daily. So, if there is any information, we've had some calls that they can't find information. Once our public registry is up, I can assure you it's going to be a lot more user friendly than the website we're currently using in our FTP site. When Jon said "soon" for our registry, as July 9th is the implementation date, we're actually doing a trial run on it tomorrow, our training for our staff. So we will have it up and running before the implementation, official implementation of NUPPAA. With that, I'll just ask Brian if he has any other comments on behalf of the Commission team. Thank you. And I'd like to thank David and David and the interpreters, because sometimes we do speak very fast, and they haven't thrown anything at any of us. And David and David for their objectivity and all the party's inputs.

David L: Thanks, Sharon. We'll go to Brian, and I think what I'd like to do is just go quickly around the table for any concluding comments from anybody, and then we'll close with a prayer. Thanks. Brian?

Brian: Qujannamiik, Sharon, David. Just a really short, quick comment just to remind everybody that this work that we're doing doesn't belong to us. We don't own it. We're doing the work for the residents of Nunavut, in particular the Inuit, their culture, their lifestyle. We should keep that in mind and remove the thinking of position and what department you're working for. Again, I

want to echo what Sharon said. We appreciate the participation and the time that you took for this session. It's greatly appreciated. Qujannamiik.

David L: Spencer?

Spencer: Thank you. Yeah, we feel this has been a very productive meeting. We've been able to put our concerns with the Draft Land Use Plan on the table. We feel we've been listened to. I just wanted to extend that we have to keep conversations going, recognizing there's going to be subsequent questions. I have the list of action items that I'm going to try to figure out to satisfy several parties around the table. But we're always here. And I hate to say this: I'm with the Federal Government and I'm here to help. But in this case, we may actually be there to do that. So thank you.

David L: Can we just go down the table? Anybody who wants to speak, feel free.

Jackie: Hi, Jackie Price, Qikiqtaaluk Wildlife Board. This is the first time QWB has attended a meeting like this, and we just wanted to say thank you for providing us the space. It was a good learning process. Our job moving forward will be to ensure that the concerns and experience of HTOs continue to play a part in these discussions. That will be our responsibility, and we look forward to it. Thank you.

Karla: Karla with the NWMB. I'd like to thank the Planning Commission for the meeting. It was very interesting conversations. We look forward to continuing to work with everyone here on putting off this caribou workshop. Thanks, Sharon, for going around and pointing out the contacts for that workshop. I also just want to put in there that correspondence about it should also include the three Regional Wildlife Boards here. They are the links to the communities, and we would really like to have a strong community presence at this workshop as well. So if anybody is going to start some communication on that, it would be great to include Ema, Jackie, Jason, and Leah in those conversations. Thank you.

Brandon: Brandon from WWF: I just want to acknowledge that we fully appreciate that you don't have to let us come to these meetings. We appreciate you giving us a space. It was a really good learning experience for us, and we're going to continue to be involved, as we have the last five years in giving our input. But I'm just putting it out there that we know and are appreciative of the space that we're given. So thank you very much.

Henry: As for myself, I give my appreciation to the Technical Meeting. I think I'm the oldest person in this room.

David L: Don't bet on it, Henry.

(Laughter)

Henry: You're right behind me. I don't look it, but I'm an Elder now. I know NPC ever since they started, and I want to thank all of you for participating with them. It's very good to be like one mind in your land, in your territory. If you work well together like this, I know good things will come out of this. So I thank NPC for heading this Nunavut Land Use Plan, and I hope all of you will work together like this. We will keep in touch with you. We thank you for initially giving us a

few first steps in our department, Nunavik Marine Region Planning Commission, and we'll keep on working with you. Thank you.

Chantal: Hi. Chantal, Eeyou Marine Region Planning Commission. Same as Henry, we're in the same boat right now. We're in the process of beginning our land use plan, so this was a great learning experience for me. Ears were open and taking a lot of notes. I met a lot of great people, who will be receiving some emails from me on how to get this process going for us. So thank you.

Liz: Thank you. It's Elizabeth from the Chamber. Thank you to the Commission and staff for allowing our industry to participate in these meetings. As you can tell, the Land Use Plan is obviously a very important issue for our industry, and I think we've exhibited that through a number of the questions and comments that we've raised throughout the week. So, our request – I guess a final request – is that we could have responses. I know in fairness to staff, they haven't had an opportunity this week to provide direct responses to a number of our questions. We would ask that those responses be provided to us at least 7 days before the Public or the Prehearing Conference so that we have time to confer with our members and be better prepared for the Prehearing Conference.

Jennifer: Thank you. Jennifer Pye, Government of Nunavut for the last time. Yes, echoing what the others have said around the table, I'd like to thank the Planning Commission very much for this opportunity to provide comment on the Draft Land Use Plan. It has been a learning experience for everybody around the table, including ourselves, and we look forward to participating in future events such as this that the NPC might hold, so that we can continue to work together on this Plan and see it through. We have a number of action items that we will be following-up on and would like to see what the NPC produces from this meeting to guide our own future involvement in this process. Thank you.

Sophia: Sophia with the Nunavut Impact Review Board. Just echoing what everyone else has said, and thank you very much to the Nunavut Planning Commission for allowing us to be here and to be involved. It was very informative. We look forward to working with everyone as the process develops. Thank you.

Luis: Thank you, Mr. Chairman. Luis Manzo, Kivalliq Inuit Association. I would just like to thank everybody around the table, especially the Nunavut Planning Commission for being so patient and diligent and responding to our, sometime overdue questions or repetitive questions. I also wanted to thank Nunavut Tunngavik Incorporated to be able to come with us in one front. The Kivalliq region, we have a good plan right now. We implemented that plan. We're proud of it, and we've been doing it for the length of time that I've been working for KIA.

We are hoping to cooperate for the information that you may require from us. We have a lot of tasks to complete before the Prehearing Conference. We hope the Commission can consider those dates in order to have a very good information to avoid the clashes and conflicts that we have today at the table. Professionally speaking, I think everybody is on the same page, but a decision needs to be made, and it has to be sustainable. Like Brian say, we're working for the Inuit, and don't forget that. It's their right. It's their Claim. It's a mandate in an organization to protect those rights. Thank you again, and I wish everybody safety home. And I will be sending the pertaining information you request from me at any given time. Thank you.

Luigi: Luigi Torretti, Kitikmeot Inuit Association. I will defer to NTI. I think they're going to sum up some of the specific concerns that KIA has at this point. But I do want to extend a heart-full thanks to everybody around the table, NPC for the organization that was involved, your facilitation, and everybody's involvement in terms of the specific issues or concerns, whatever, that you've brought to try to help improve the Plan. Thank you very much for your participation.

Rosanne: Rosanne from the QIA. I will also, I defer to NTI for the closing, I guess, comments from QIA, but personally I just want to thank the Planning Commission and all the other participants. We do look forward to participating in the other meetings and workshops that we've discussed here. Hopefully we can do that and provide some responses or better information, I guess, that will go into this Plan in the end. So thank you.

Bert: I'm just going to tag-team with Miguel here.

Miguel: Bert, of course, gets the last word, but thank you as everybody else has said. But I think perhaps the NPC doesn't often get enough thanks, but thank you very much for the food and the coffee that you provided.

(Laughter)

Bert: It's a tough crowd this week. Yeah, if I can find my notes here. I have been asked to summarize just the closing comments for the three Regional Inuit Associations and NTI. We've had ongoing discussions, I think, with everybody in an effort to move forward on this file and to work towards developing a quality Land Use Plan, 1st generation Land Use Plan admittedly. But we do need to get a Land Use Plan in place and get that process going. NTI and the RIAs are committed to that process. Hopefully that's recognized, as mentioned, through the submissions and the efforts everybody's made here this week.

We want to keep the momentum going. We've had those discussions. We are interested in that, but we are concerned that for a Prehearing Conference so soon, as mentioned, we're not ready for all the components that are in the current agenda for a Prehearing Conference. We've heard there will be an adjustment to the agenda, so we'll wait to see that revised agenda. But we would ask if there is going to be a meeting in a few weeks, that we not call it a Prehearing Conference? Call it some kind of meeting, whatever you want to call it, but there's going to be more work to be done before that final hearing. I think to get buy-in from everybody around the table, we need to recognize that all the partners have sort of stated at one point or another during this week that a Prehearing Conference in two weeks, we're not quite there. We look forward to seeing the report and the transcript, and all the work that's going in, and summarizing the points that have been made this week. But again, just as all organizations have staff going on holidays or limited capacity in the summer, it is going to be a challenge to realistically have a productive meeting in a couple weeks to get through the current agenda. Again, we just needed to make that point.

Having said that, I mean NTI and the RIAs are committed and ready to work with the Planning Commission and the government departments and different organizations and industry, and the communities especially. That's the big thing. I think all of us can recognize that. We need to have awareness and discussions at the community level, an update if this Public Hearing is going to be

productive. If we're going to bring five delegates from each community in Nunavut and we're going to have 200+ people, we need people that have already talked about this at their community. They're not coming here sorting of wondering what the meeting is about or why they're here for a week. Ideally they'd have done some work and homework in their communities and be coming here to provide that input that the Planning Commission will need.

So that's what we committed, whether it's roundtable or workshops or follow-up technical sessions. Regarding the migratory bird proposals, I think there's a lot of information we need to get from the communities on that; as well as clarity on the Department of National Defense site; the GIS related issues that Sharon mentioned; as well as the workshop on caribou; and as was just brought up today, the existing rights. All those prospecting claims – I'm not sure on all the numbers. We haven't necessarily done the analysis. But we've talked to Miguel. If all those existing rights mount up to 1/3 of the land, how does that affect the Land Use Plan, like if those things are grandfathered? So there's big implications on that factor alone. So these are things there has to be more discussion on and that means a lot of work still to do. So we have to be realistic in terms of dates and when we can achieve this.

As mentioned – and I don't want to belabor it – whatever that meeting is July 13 or 16, how can we work so that it, yes, it helps keep the momentum going, but I don't know if it's necessarily a Prehearing Conference yet. I'm not sure if we're there. And I guess we're still trying to figure out – and I realize there's information that will have to go back to the Planning Commission for consideration – but how are you incorporating all these comments that you've heard. Will we see something that has track changes? I realize it's a big endeavor, but again, for us to back to our organizations and report on how the progress is being made, we need some feedback from the Commission as well. So on that note, I'd just like again to thank the Planning Commission and everybody that traveled and was able to attend the meetings the last three days. I think there was a lot of apprehension just how it would all go, just because of some of the history with this file, to be honest and as David has indicated. I think everybody came here prepared to work and see what we could do to advance it. Hopefully we're on the track. I'd just like to say thanks.

David L: Thanks Bert. Anybody in the back rows, so to speak, want to add anything? Jasmine, working your fingers to the bone back there? Want to thank Jasmine too. I mean it's a task trying to keep up with you guys. Alright, Tommy, are you ready for a closing prayer, or is somebody... Henry again? Alright, thanks again, everybody and safe travels.

Henry: *(Closing Prayer)*

MEETING ADJOURNED



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Released under the Access
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Communiqué en vertu de la
Loi sur l'accès à
l'information

File Number: 5223932

January 13, 2017

Mr. Andrew Nakashuk, Chairperson
Nunavut Planning Commission
P.O. Box 1797
Iqaluit, Nunavut
X0A 0H0

By email c/o sehaloak@nunavut.ca
Original to follow

Dear Chairperson Nakashuk:

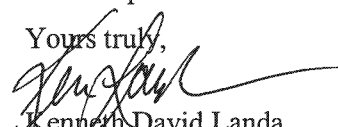
**Re: Filing and Service of a submission on Transition Rules, Existing Rights and Related
Issues in the Nunavut Planning and Project Assessment Act**

The purpose of this letter is to (i) file the attached submission, which supplements the broader Government of Canada submission also being filed today; and (ii) request an extension for filing the Inuktitut, Inuinnaqtun and French translations of the report.

Unfortunately, we were unable to secure translations in time to accompany filing. We will file the translations as they become available.

We sought additional direction on service in our letter of November 15, 2016. In the interim, we presume that email submission is sufficient to meet the filing and service requirements.

Yours truly,



Kenneth David Landa
Legal Counsel

Copies:

Alan Blair, counsel to the Commission

Marie Belleau, counsel, Nunavut Tunngavik Inc.

Adrienne Silk, counsel, Government of Nunavut

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File Number: 5223932

January 13, 2017

Mr. Andrew Nakashuk, Chairperson
Nunavut Planning Commission
P.O. Box 1797
Iqaluit, Nunavut
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By email c/o sehaloak@nunavut.ca
Original to follow

Dear Chairperson Nakashuk:

Re: Transition Rules, Existing Rights and Related Issues in the *Nunavut Planning and Project Assessment Act*

This paper is part of the Government of Canada's submission in the land use planning process. It is intended to draw attention to certain features of the assessment regime in the *Nunavut Agreement*, which is elaborated and given further effect in the *Nunavut Planning and Project Assessment Act*. This paper focusses on elements of the legal framework, while policy issues are generally left to other portions of Canada's submission.

The topics covered in this paper are:

Part I –

- the Commission's mandate and flexibility in taking into account pre-existing rights and interests in the development of a land use plan;

Part II –

- the Act's provisions for transition on its coming into force;
- how a project, or the assessment of a project, is affected when a new land use plan is adopted;
- how the Act deals with proposed changes in a project when the change presents during an assessment; and
- how the Act deals with proposed changes to a project after the project has been approved.

Background

As required by the *Nunavut Agreement* (section 10.2.1) the core features of Articles 10, 11 and 12 of the *Nunavut Agreement* were rendered into the *Nunavut Planning and Project Assessment Act*. Because they are different instruments with different drafting conventions, concepts from the *Nunavut Agreement* are often expressed in the Act using different words. Despite the use of different words, we believe that the *Nunavut Planning and Project Assessment Act* is consistent with the *Nunavut Agreement* in all material respects.

Because the meaning of the term “project” is crucial to an understanding of the *Nunavut Planning and Project Assessment Act* and the assessment regime it carries forward from the *Nunavut Agreement*, this

Canada

paper should be read in conjunction with our *Expert Report – The Terms “Project” in NUPPAA and “Project Proposal” in the Nunavut Agreement Have the Same Meaning*.

Notes on Terminology in this Paper

The *Nunavut Planning and Project Assessment Act* uses the term “assessment” to mean at least a land use plan conformity determination process conducted by the Nunavut Planning Commission, and also screening and review conducted by the Nunavut Impact Review Board, if one or both of those impact assessment processes applies to a project.

The Act uses the defined term “project” to refer to the work or activity the proponent wants to carry out, and uses the term “project proposal” for the written materials submitted to the Commission to start the assessment process. This paper uses the Act’s terms accordingly.

For certain purposes, the Act distinguishes between the approval of a new land use plan and the approval of an amendment of an existing land use plan. For simplicity, in this paper we will refer to the approval of a new land use plan as meaning both.

Part I – Existing Rights in the Plan Development Process

This part of the paper deals only with how the Act requires existing rights and interests to be considered within the plan development process. When and how a newly approved plan applies to existing projects and to projects that are already under assessment will be dealt with in Topic 2.

Existing Rights and Interests Must be Considered

Every decision-maker in the land use plan development and approval process has the duty to consider “existing rights and interests”, along with a number of other factors, as part of every decision that they make (see section 58). This obligation applies to the Commission, to the federal and territorial Ministers and to the Designated Inuit Organization.

It is important to note that this issue is broader than mining rights or interests. The Act’s treatment of existing rights and interests is the same for any kind of existing right or existing interest that could be affected by the plan.

<p>In exercising their powers and performing their duties and functions under sections 49 and 52 and subsections 54(1) to (3), the Commission, the federal Minister, the territorial Minister and the designated Inuit organization must take into account all relevant factors, including the purposes set out in section 47, the requirements set out in section 48 and existing rights and interests.</p> <p><i>(Nunavut Planning and Project Assessment Act, section 58.)</i></p>	<p>Dans l’exercice de leurs attributions au titre des articles 49 et 52 et des paragraphes 54(1) à (3), la Commission d’aménagement, les ministres fédéral et territorial et l’organisation inuite désignée tiennent compte de tout élément pertinent, y compris les objets énoncés à l’article 47, les exigences prévues à l’article 48 et les droits et intérêts existants.</p> <p><i>(Loi sur l’aménagement du territoire et l’évaluation des projets au Nunavut, article 58.)</i></p>
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This means that when there are identified existing rights and interests in any given area, they must be taken into account when determining what the rules in the land use plan should be. The Commission can consider whether it is desirable for a new land use plan to affect the anticipated exercise of pre-existing rights and interests, or whether it is desirable to avoid this. It follows that the Commission has the ability to ensure that when it proposes a land use plan, the plan’s requirements will have the intended effects on existing rights and interests, and that it has identified ways to avoid undesired consequences.

Implications for Plan Contents

Section 58 gathers together in a single location a number of considerations that must influence the substantive content of a land use plan. Parliament identified existing rights or interests as one factor to be considered in plan development, along with many other factors. These considerations include the fundamental purposes of land use planning that are identified in the *Nunavut Agreement* (see the cross-reference to section 47) and the factors referred to in section 11.3.1 of the *Nunavut Agreement* (see the cross-reference to paragraph 48(1)(c)).

The purpose of section 58 of the Act is to ensure that land use plans are designed to reconcile their many, sometimes competing, objectives as best as possible. It supports the Commission having flexibility in the plan development process to ensure that all the planning policies, objectives and goals for an area are considered, and that the necessary factors that must be balanced one against another are considered.

When the Commission considers it appropriate to do so after taking into account the matters referred to in section 58 of the Act, the Commission has the ability to design land use plan requirements so that they apply selectively or differently to projects involving the exercise of pre-existing rights or interests. The Commission has the jurisdiction to draft a plan that applies differently to otherwise similar projects – for instance, the plan can be tailored to permit a project arising from existing rights or interests, while being more restrictive of projects that do not arise from rights or interests that pre-date the plan. This conclusion is based on an understanding of the role section 58 plays in the Act, and a consideration of what best serves the achievement of the Act's purposes.

The factors identified in section 58 that are applicable to any given area might point in different directions. In a given area, some factors might point to a more permissive zone (economic opportunities, transportation, energy (from *Nunavut Agreement* section 11.3.1(c), (d) and (e)). At the same time in the same area, other factors might point to a more restrictive zone (environmental considerations, cultural factors (from *Nunavut Agreement* section 11.3.1(g) and (h)). In every case, the Commission is tasked with striking a balance to the benefit of Inuit, other Nunavut residents and Canadians in general.

The ability to craft different rules for a project arising from pre-existing rights or interests facilitates striking the right balance. It empowers the Commission to develop the general rules it considers appropriate, while still giving the Commission the ability to shelter the pre-existing rights or interests if the Commission considers it appropriate to do so. Greater latitude on this point better positions the Commission to achieve the purposes and balance the factors identified in the Act and the *Nunavut Agreement*.

In the absence of this ability, the Commission would have fewer tools to make finely calibrated decisions that precisely achieve the balance the Commission is seeking among the section 58 considerations.

On that basis – and in the absence of any indication in the Act or in the *Nunavut Agreement* to the contrary – the Commission can tailor the rules in the land use plan to give effect to the Commission's intended treatment of projects arising from existing rights or interests.

Past Comments on "Grandfathering"

In December of 2015, as part of the land use planning process, Indigenous and Northern Affairs Canada circulated a draft paper on the topic of existing rights. This draft paper has been discussed and been the subject of follow-up submissions within the planning process. In particular, Nunavut Tunngavik Inc. filed a March 22, 2016 response to the paper and a follow-up letter dated December 5, 2016. These discussions and responses have been helpful, and as a result of some confusion that the draft paper created, Indigenous and Northern Affairs Canada withdrew its draft paper in May 2016.

From a legal perspective, the primary issue with the now-withdrawn draft paper is that it gave the impression that the land use plan could exempt projects from the application of the land use plan. Nunavut Tunngavik Inc. and others correctly took issue with that. The land use plan cannot exempt a project from the application of the plan. Exemption was an unfortunate word choice, and does not fit within the jurisdictional framework in which the Commission operates.

Although this was unfortunately not clear in the now-withdrawn draft paper, it is the Government of Canada's view that only the *Nunavut Agreement*, or the *Nunavut Planning and Project Assessment Act* if it is consistent with the *Nunavut Agreement*, can exempt or authorize the exemption of projects from the requirement for an assessment and the application of the plan. There is no jurisdiction for the Commission, or for the terms of the plan, to exempt projects from the application of the plan. We are hopeful that this helps address the jurisdictional concerns quite rightly raised in Nunavut Tunngavik Inc.'s submissions.

Rather, it is Canada's view that where it is appropriate to do so, the plan's provisions can be designed to ensure that the plan has the desired impact on potential projects and classes of projects, and does not have undesired impacts. There may be more than one way to achieve this, but one effective technique could be the creation of a permitted use to act as an exception to a prohibition that would otherwise apply.

Part II – Transition Provisions in the Act, Project Change, etc.

Some participants in the land use planning process have said that the current Draft Nunavut Land Use Plan is not sufficiently clear on when a conformity determination is required, whether that conformity determination is an initial determination or, in the case of a change to a project, a conformity determination triggered by that change (see for example section 6.5 of the draft plan). This is a topic that is subject to a complex set of rules.

A conformity determination is the first phase of an assessment under the *Nunavut Planning and Project Assessment Act*. The land use plan does not determine whether or when a conformity determination is required.

Instead, it is the *Nunavut Planning and Project Assessment Act* that determines whether an activity requires an assessment under the Act, and it also determines when a new assessment is required. Therefore, the only guidance the land use plan could give on this topic is an explanation of how the Act works.

Guidance documents on how the Act addresses these issues are important. However it is not clear that the land use plan itself is the optimal vehicle for such guidance. There also is a likelihood that process guidance in a land use plan could be mistaken as authoritative, because the land use plan is authoritative in other respects. Moreover, the Act is in its early days of implementation, and our understanding of the Act is bound to be refined as we work with it over time. It should be possible to revise guidance documents without amending the land use plan.

For those reasons, we recommend that the Commission create a separation between the land use plan and the Commission's procedural guidance. Perhaps this could be achieved within the same document, by clearly labelling segments as not forming part of the land use plan. Alternatively the Commission could develop a separate process-guidance document.

To the extent the Commission will endeavour to explain the statutory framework, it should do so accurately, whether it chooses to do so within the land use plan or, as we suggest, outside of the land use plan.

The challenge is to find a way to make the explanation accessible, yet fully accurate when describing the complex functioning of the Act. The Act must cover a wide variety of potential scenarios, and treats

different scenarios differently. The Act is therefore quite complex on these points.

1. General

In our view, any explanation of how the Act determines whether an assessment is required would include the following:

- i) the definition of “project” in section 2, which includes the *de minimis* threshold below which the Act does not apply;
- ii) the idea that the Act only applies to projects, and identifies the project as a whole, not individual components or activities or specific permits or authorizations, as the subject of the assessment;
- iii) the Act’s requirement to group multiple projects into a single project when they are “so closely related that they can be considered to form a single project” (section 76(3));
- iv) the requirement to submit a project proposal to trigger the assessment (section 76); and
- v) the requirement that the Commission conduct the conformity determination against an applicable land use plan (section 77).

2. Coming into force of the Act

The Act came into force in 2015, but applies selectively to projects that already existed or were already under assessment under the *Nunavut Agreement* when the Act came into force. Any guidance on how the Act affects whether an assessment under the Act is required would include the following implications of section 235 of the Act:

- i) the Act does not apply, and therefore an assessment is not required under the Act, where:
 - a. the project was being lawfully carried out before the Act came into force;
 - b. an assessment of the project under the *Nunavut Agreement* began before the Act came into force;
 - c. the project was assessed before the Act came into force, and was started and then stopped for less than five years;
 - d. the work was assessed before the Act came into force, was built and then was closed for less than five years; or
 - e. the project was assessed before the Act came into force and the project is commenced within five years of its approval; however
- ii) where there is contemplation of a significant modification (within the meaning of that phrase as it is used in section 145 of the Act) to a project or work falling in one of the categories listed in (i), then the Act applies and an assessment under the Act would be required. How the Act addresses this kind of change in a project will be returned to in paragraphs 4 and 5 below.

3. *Adoption of a new land use plan*

Any guidance on how the adoption of a new land use plan affects a project that has either already begun or has completed its assessment under the Act would include the following implications of sections 69 and 207:

- i) the project is exempted from prohibitions created in the newly adopted plan; however
- ii) the project will be subject to terms and conditions set out in the newly adopted plan.

This effect is achieved by setting rules for how authorizing agencies must regulate the project; it does not require additional assessment steps under the Act (*i.e.*, the existing conformity determination stands).

These rules also mean that in the plan development process, careful drafting is required to ensure that there is a sharp distinction between prohibitions and terms and conditions.

4. *Change in the project during assessment*

The above subjects address change caused by the coming into force of the Act or adoption of a new land use plan. When the change is in the project itself, different rules apply.

Any guidance on how the Act deals with change in a project that has already begun, but not yet completed, its assessment under the Act would include:

- i) a new conformity process is required if the Nunavut Impact Review Board re-scopes the project to include components that were not included in the original project proposal document (section 99(3));¹
- ii) a new assessment (starting with a new conformity process) is required when a proponent wishes to make a significant modification to a project while that project is still under assessment – but that assessment can rely on previous assessment activities (sections 141 and 142) ; and
- iii) a new assessment (starting with a new conformity process) is required where the assessment was terminated before being finished – but the new assessment can rely on previous assessment activities (sections 143(7) and (8) as well as sections 144(4) and (5)).

5. *Post-assessment project change*

This is a portion of the Act that we believe is generally not well understood. After a project has been assessed, any change in that project is treated by the Act as a separate project. That separate project may or may not require an assessment, depending on the significance of the change.

Therefore, any guidance on how the Act deals with change in an already assessed project would explain that the Act treats a change in a project as a new project that would modify an existing project. The original project is not reassessed, and in some cases no new assessment is required:

¹ To reduce the number of statutory references, this paper omits the provisions that apply when the impact assessment is conducted by a federal environmental assessment panel (*i.e.*, flowing from the *Nunavut Agreement*, Article 12, Part 6) and focuses on assessments in the Nunavut Impact Review Board context (*i.e.*, flowing from Article 12, Part 5 of the *Nunavut Agreement*). A more comprehensive guidance document would need to address both.

- i) if the new proposed work or activity is a project under the Act, but would not significantly modify the original project, then no assessment under the Act is required (sections 145 and 75(3)); and
- ii) if the new proposed work or activity is a project under the Act, and would significantly modify the original project, then the new project requires an assessment under the Act. However it is the new work or activity – and not the already approved project – that is subject to an assessment (section 146(1)).

6. *Assessments can expire*

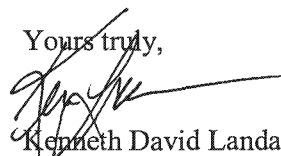
Any guidance on how the Act deals with delays or interruptions in projects would explain that:

- i) projects that were assessed and approved under the Act, but were not commenced within five years of approval, will have their assessments expire; a new assessment is required to undertake such a project (section 147); and
- ii) projects that were assessed and approved under the Act that stop, shut down or close for a period can restart without a new assessment if the interruption is for less than five years (section 208).

Conclusion

The *Nunavut Planning and Project Assessment Act* contains a large number of complex provisions that manage the coming into force of the Act, changes in land use plans, and changes in projects. We hope that by providing additional information and perspectives on these provisions, this paper is useful for the Commission and for the participants in the land use planning process.

Yours truly,



Kenneth David Landa
Legal Counsel



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19 June 2015

Ms. Sharon Ehaloak
Executive Director
Nunavut Planning Commission
PO Box 2101
Cambridge Bay, NU X0B 0C0

RE: Government of Canada Submission for NPC Technical Meeting June 23-26, 2015

Dear Ms. Ehaloak:

On behalf of the Government of Canada please find attached the technical submission and executive summary for the Nunavut Planning Commission's Technical Meeting to be held June 23 – 26, 2015 in Iqaluit, Nunavut.

A translated version of the documents will follow.

Should you have any questions regarding our submission, please do not hesitate to contact Spencer Dewar, Senior Policy Analyst and Planner at (867) 975-4625 or myself at (867) 975 4501.

Sincerely,

Terry Sewell
A/Regional Director General
Nunavut Region

Encl. Executive Summary
Government of Canada Comments and Recommendations on the 2014
Draft Nunavut Land Use Plan



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Released under the Access
to Information Act
Communiqué en vertu de la
Loi sur l'accès à
l'information

8 May 2015

Sharon Ehaloak
Executive Director
Nunavut Planning Commission
P.O. Box 2101
Cambridge Bay, NU X0B 0C0

Ms. Ehaloak,

In 2010 the Department of National Defence (DND) was asked to participate in the supply of information to the Nunavut Planning Commission (NPC) in support of the development of its plan for the territory. This letter follows recent discussions held between DND and Real Property stakeholders in the Nunavut Territory.

A review of the draft Nunavut Land Use Plan (LUP) resulted in consultations with representatives from Aboriginal Affairs and Northern Development Canada and Nunavut Tunngavik Incorporated during which it was concluded that changes to the content of the draft Nunavut LUP are necessary to move forward, specifically for the two findings outlined below.

The first finding centres upon the definition of *Special Management Areas* (SMAs) in the current draft Nunavut LUP in that the current definition is somewhat rigid and prohibitive towards any development occurring in the SMAs. At no time did DND intend to prohibit all development from occurring. The intent was to ensure that development, prior to NPC approval, gave consideration to DND and its need to protect against development contrary to its mandate and mission.

The *Real Property Management Areas* provided to the NPC by DND were defined as follows:

- Radome Setback Zones – established to minimize the impact of electromagnetic interference upon its facilities. The setback around the radar towers has been set at a distance of 8 km.
- Aerodrome Safety Zones – established around DND airfields and landing pads to ensure the continued safe operation of aircraft. The radii have been set at 4 km, 2.5 km and 1 km intervals applicable to runway, helipad and refuel points respectively.

1/2

Canada

DND will agree to redefine those lands currently termed as SMAs in order to displace the restrictions on development. However, DND requires that the above zones remain in effect and remain part of the Nunavut LUP. Moving forward, it is important that DND remain a stakeholder in the management of Real Property and in its care and direction for the territory.

The second finding is regarding the Joint Seismic Research Facility (JSRF) located in Cambridge Bay, Nunavut and its absence from the draft Nunavut LUP. In 1968 the Embassy of the United States and the Canadian Department of External Affairs (currently the Department of Foreign Affairs, Trade and Development Canada) entered into an agreement to establish a facility in this northern community as a response to the 1963 International Agreement banning the testing of nuclear weapons. In 1996 this agreement was replaced by the Comprehensive Test Ban Treaty, to which Canada is a signatory.

In the 1968 agreement, it was listed in the provisions that DND will administer and control the lands on behalf of External Affairs. This remains in effect to this day.

DND requires that these lands be secured in order to uphold the provisions of the International Agreement that Canada has entered into with the United States of America. As such the JSRF and its reserve, Reserve 1853, will need to be incorporated and recognized in the draft Nunavut LUP. In doing so, the ongoing obligations of the Federal Government can be recognized and upheld.

DND and the Assistant Deputy Minister (Infrastructure and Environment) remain committed to Real Property management and planning in Nunavut. As an active participant, DND will continue to work alongside all stakeholders, at all levels of Government, to ensure their combined, future Real Property objectives continue to be met.

Sincerely,



Jaime W. Pitfield

EXECUTIVE SUMMARY

This is a summary of the Government of Canada's key concerns and recommendations on the Nunavut Planning Commission's (Commission) 2014 Draft Nunavut Land Use Plan (DNLUP). For Canada's full submission see "Government of Canada Comments and Recommendations on the 2014 Draft Nunavut Land Use Plan."

The submission was developed by the Federal Nunavut Land Use Planning Working Group (Working Group) to coordinate the federal technical expertise and provide a 'single voice' on behalf of the Government of Canada to the Commission. The Working Group consists of representation from the following federal departments:

- Aboriginal Affairs and Northern Development Canada,
- Environment Canada,
- Fisheries and Oceans,
- Transport Canada,
- National Defence,
- Parks Canada Agency,
- Natural Resources Canada, and
- Justice Canada.

The Government of Canada recognizes the significant endeavour that developing a land use plan for an area the size of Nunavut entails and acknowledges the efforts by the Commission to address the "Government of Canada's Priority Expectations for a First Generation Nunavut Land Use Plan (April 2013)" and "Technical Priorities and Comments (July 2013)." These efforts have resulted in significant improvements with the current DNLUP over previous versions.

At this time, the Government of Canada would like to highlight a number of outstanding concerns and recommendations. We anticipate the Commission or its staff might have a need for clarification of some of the comments found herein, in which case they can count on federal officials' assistance as required. The Government of Canada will continue to provide comments as the Commission continues advancing and refining the DNLUP.

Summary of Key Concerns with the DNLUP (Annotated Notes from the Government of Canada Comments and Recommendations on the 2014 Draft Nunavut Land Use Plan)

Clarity of Conformity Requirements The DNLUP must have conformity requirements that are (i) explicitly identified as such in the land use plan; (ii) capable of being determined based on criteria that are as objective as possible; and (iii) based on criteria that can be met with the limited information that can reasonably be expected at a very early stage of project development.

Recommendations:

- The DNLUP be reviewed to clarify that community values and priorities do not form part of the conformity requirements and are for the benefit of other decision makers.
- Where possible, “directions to regulators” should be developed into appropriate restrictions upon which conformity would be determined. In all other instances “directions to regulators” should be reframed “Information for decision-makers” and not form part of the land use plan conformity requirement.
- The use of “terms and conditions” is currently not clear and in most cases does not set verifiable conformity determinations. Provisions on setbacks should be rephrased as conditions and current terms regarding cumulative impacts should be revised as information where the Commission considers cumulative impact referrals as being more likely in these areas.

The DNLUP Cannot Apply to Wildlife Harvesting While the DNLUP clearly states that the plan does not apply to subsistence land use and harvesting, it is also important to clarify that the plan cannot establish limitations on other (non-subsistence) wildlife harvesting, including fishing as these are within the exclusive jurisdiction of the Nunavut Wildlife Management Board.

Recommendations:

- The DNLUP should clearly state that it does not apply to those aspects of project proposals that deal purely with wildlife harvesting including fish harvesting activities.
- Setbacks for fishing gear near key bird habitat sites should be removed from the DNLUP.

Marine Shipping Canada supports an approach to land use planning that respects Canada’s international obligations; builds on Canada’s domestic regime; and encourages free and open navigation within a highly regulated environment.

Recommendations:

- The DNLUP should be expressly consistent with Canada’s international legal obligations under international conventions and domestic regulations.

Cumulative Impacts the DNLUP has a “term” that cumulative impact concerns may have referral of Schedule 12-1 projects to the Nunavut Impact Review Board for screening. The Commission’s use of this provision appears selective which could be confusing as it is an existing land claim provision that applies generally to all Schedule

12-1 NLCA project proposals. In its treatment of cumulative impacts, the Commission has not provided criteria or benchmarks on which it would base a referral to the Nunavut Impact Review Board (NIRB).

Recommendations

- It is important to clearly state that the Commission has the authority to refer any Schedule 12-1 project proposal for which it has cumulative impacts concerns to NIRB for screening.
- The DNLUP should include cumulative impact information and criteria so that proponents will have a clear understanding of when their projects applications may be referred to the NIRB for cumulative impact concerns.

Key Migratory Bird Habitat Setbacks The setbacks require further aid on the interpretation of how they are to function. In addition, the setbacks could impede ongoing wildlife research that should be permitted.

Recommendations

- It is recommended that the DNLUP include an exception for aerial or vessel wildlife research activities.
- The aerial and vessel setbacks around migratory bird habitat should be clarified and further explained in the DNLUP (Table 2). It is recommended that an explanation on how Table 2 functions be added to the Draft Plan.

Existing Rights The DNLUP does not explicitly recognize existing rights for the complete life cycle of a development project (i.e., prospecting, exploration, development, closure). The DNLUP restricts development activities in many areas with pre-existing authorizations, limiting new authorizations or approvals that would be required for a project to advance to the next stage of the life-cycle.

Recommendations

- The plan should accommodate the development of all pre-existing tenures, including prospectors' permits and mining claims, as well as significant modifications to existing projects that were approved before the adoption of the plan so as to allow existing rights to advance to the other stages of their life-cycle.

Other Comments and Recommendations Finally, the Government of Canada makes other comments and recommendations in respect of most chapters of the DNLUP, a number of proposed land use designations and defined terms.

The Government of Canada welcomes the opportunity to work with the Commission and other interested parties towards finalizing a Nunavut Land Use Plan that will be ready to be advanced for approval.

Government of Canada

Comments and Recommendations on the 2014 Draft Nunavut Land Use Plan

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1 Introduction and Overview

This document presents the Government of Canada (Canada) comments and recommendations on the 2014 Draft Nunavut Land Use Plan (DNLUP) following a comprehensive review of its contents and of the supporting documents.

Canada acknowledges the efforts by the Nunavut Planning Commission (Commission) to address the *Government of Canada's Priority Expectations for a First Generation Nunavut Land Use Plan* (April 2013) and *Technical Priorities and Comments* (July 2013) as summarized in the table below.

Government of Canada Priority Expectations for a First Generation Nunavut Land Use Plan	
Legal Compliance	<i>The planning process and resulting Draft Nunavut Land Use Plan (DNLUP) shall be compliant with the Nunavut Land Claims Agreement (NLCA) and the Nunavut Planning and Project Assessment Act (NUPPAA)⁵.</i>
Policy Consistency	<i>The DNLUP must be consistent with federal department and agency mandates, authorities, commitments and policies, including international conventions and agreements which Canada is a party to.</i>
Planning Process Credibility	<i>The development of the DNLUP must be supported by a meaningful, inclusive and transparent public and stakeholder consultation process.</i> <i>A public registry that organizes and consolidates a complete record of evidence and public and stakeholder participation must be established and accessible throughout the planning process.</i> <i>The DNLUP must be based on a transparent process for making decisions among competing land uses based on the consideration of both facts and values.</i>
Clarity and Certainty	<i>The DNLUP must be clear and understandable to users.</i> <i>The DNLUP must provide improved certainty for users.</i>
Implementation	<i>The DNLUP must be practical and implementable.</i> <i>Conformity requirements must be clear and objectively verifiable.</i>
Regulatory Efficiency	<i>The DNLUP should contribute positively to Nunavut's integrated regulatory system.</i>

The 2014 DNLUP is a significant improvement over the 2012 draft and demonstrates that the Commission is on a clear path toward a "first generation plan". Several important issues still remain to be resolved in order for the DNLUP to be advanced for approval. These comments describe those issues and offer a set of solution-oriented recommendations.

First, comments are provided in respect of general issues relating to the overall clarity of conformity requirements and the application of the plan to wildlife harvesting activities and marine shipping. Second, cumulative impacts and the migratory bird setbacks, which are issues recurring in many places in the DNLUP, are discussed. Comments of a more specific nature are then made in the order of the DNLUP chapters to which they pertain.

A series of annexes follows with more comments and suggestions for the Commission to consider. Annex A provides feedback in respect of Table 1 of the DNLUP and specific listed sites. Annex B proposes an aid to interpretation that would be useful to include in Table 2 on the migratory bird setbacks. Annex C mentions a few items in respect of which it would be beneficial to receive more information from the Commission in order to provide informed feedback. Finally, Annexes D and E provide comments on the DNLUP definitions and other comments of an editorial nature.

The number and extent of Canada's comments might seem daunting at first. However, this is merely a reflection of the significant endeavour that developing a land use plan for an area the size of Nunavut entails. It is to be expected that Canada will have more comments to provide as the Commission continues advancing and refining its draft land use plan. In the meantime, we anticipate the Commission or its staff might have a need for clarification of some of the comments found herein, in which case they can count on federal officials' assistance as may be necessary at or between hearings.

2 Clarity of Conformity Requirements

Sound land management, including regulatory efficiency, clarity, certainty and implementation effectiveness, will be best achieved through a land use plan that supports clear and predictable decision-making. This is best achieved through conformity requirements that are (i) explicitly identified as such in the land use plan, (ii) capable of being determined based on criteria that are as objective as possible, and (iii) based on criteria that can be met with the limited information that can reasonably be expected at a very early stage of project development — specifically, at the time the proponent is developing its project description.

With continued refinement, the 2014 DNLUP promises to become an effective instrument to achieve those objectives. It provides a framework for identifying and categorizing particular areas for land use management purposes. This framework enables specifying prohibited land uses, or conditions that must be met for a Project Proposal to conform to the plan. This framework can also be used to provide additional information that may be useful to other decision-makers – proponents, the Nunavut Impact Review Board (NIRB), the Nunavut Water Board (NWB) and other regulatory authorities, and others – when this information does not appear sufficient to justify land use prohibitions or conditions.

In this section of our comments, Canada makes a few suggestions for improving the clarity of the 2014 DNLUP conformity requirements in general. These suggestions relate to community priorities and values, direction to regulatory authorities, and the use of conditions in general.

2.1 Community Priorities and Values

Issue and Discussion

The credibility of the planning process is highly dependent on the work performed by the Commission in gathering information on community priorities and values. This information must be used in designing clear, sound, responsive and well-balanced land-use restrictions. In other words, where information on community priorities and values justifies prohibiting particular land uses or imposing conditions on permitted land uses, the plan should do so.

Even where the Commission have concluded that the information on community priorities and values does not justify creating land-use restrictions, the listing of community values and priorities might nevertheless be useful background information for other decision-makers including proponents. However, care should be taken to ensure that such background information is not confused with land use plan conformity requirements since this would detrimentally affect the land use plan's clarity, certainty and effectiveness as a land-use regulatory instrument.

The Commission has appropriately discussed the importance of community priorities and values and the use it needs to make of them in section 1.4 of the DNLUP as well as in section 1.5.1. However, in other instances, the purpose of the reference to community priorities and values is not as clear and seems to undermine the clarity of the conformity requirements established by the DNLUP.

Recommendation

It is recommended that the DNLUP be reviewed to clarify that community priorities and values do not form part of the land use plan conformity requirements. As the community priorities and values do not form part of the actual land use designations, the plan should make clear that this information is only provided for the benefit of other decision-makers.

More specifically, the definition of “Priorities and Values” should be revised as follows:

Priorities and Values means the issues identified by residents and communities listed in tables 3 and 4, which were considered by the NPC in preparing this plan and which may be relevant to the design and regulation of ~~that need to be considered in the design and regulatory review of~~ Project Proposals.

Likewise, the definition of “Special Management Area” should be revised to remove the reference to priorities and values.

In section 1.5.4 on “Land Use Designations”, the paragraph on “Priorities and Values” should be removed since community priorities and values do not modify or form part of the land use designation. The same applies in respect of section 7.4 “Land Use Designations and Terms”.

Finally, in section 1.5.5 “Using the Plan”, the reference to “Priorities and Values” in step 4 of “Using the Plan” should be reviewed as it currently suggests that information on community priorities and values is something beyond the information on which the DNLUP is based and a source of important background information.

2.2 Direction to Regulatory Authorities

Issue and Discussion

The DNLUP indicates that the intent of the “Direction to Regulatory Authorities” is twofold: 1) to provide direction to federal departments, agencies and regulators; and 2) to identify specific priorities and values that the NIRB, NWB and regulators need to consider in order to mitigate potential impacts (DNLUP, p. 46). Direction to Regulatory Authorities appear in each chapter of the DNLUP, and are also referred to in Table 1, Schedules A and B, and Tables 3-5.

There are essentially two types of direction to regulatory authorities in the DNLUP. First, there are instructions to the effect that setbacks as provided in Table 2 should be incorporated into permits, licences and authorizations. Those seem more akin to land use restrictions – conditions a Project Proposal would have to meet to be in conformity with the land use plan. It seems obvious that a Project Proposal that does not meet applicable setbacks would not conform to the plan. This interpretation of some of the “direction to regulatory authorities” is supported by the fact that in section 7.9 the DNLUP uses these setbacks as examples where the Commission might grant a minor variance. More is said below in respect of conditions and the specific setbacks provided for in the DNLUP.

The second type of direction to regulatory authorities identifies particular concerns worth the attention of other regulators. While the information may indeed be useful to these regulators, it does not appear appropriate to set those out as “directions”. Potential project impacts and appropriate mitigation measures are already required to be identified on a project-by-project basis through the environmental assessment process under the NLCA and the range of applicable statutes. Determining whether and what types of mitigation are required is already an outcome of NIRB’s environmental assessment process. Thus the requirement to apply necessary and appropriate mitigation measures always exists as established by the NLCA. The plan should avoid duplicating this requirement, or worse require that the level of mitigation be reviewed again by each regulatory authority after NIRB’s comprehensive review of the same question.

Despite this, Canada recognizes that through the planning process, the Commission might have gathered and organized information that, without being sufficient to ground land use restrictions, should still be passed on as relevant considerations to others. This should be done in a manner that respects the independence of other decision-makers, without unduly treading on the legitimate jurisdiction of the NIRB, the NWB or other regulatory authorities, or assuming that they will not fulfil their respective mandates.

Recommendations

First, in cases where there is sufficient and specific information to justify prohibitions or conditions, the Commission should develop appropriate restrictions, and clearly identify those land use restrictions as such. For example, any setbacks required for the protection of migratory bird key habitat sites should be redefined as conditions. This could be done as follows:

Condition: The Project Proposal must comply with the setbacks in Table 2 for...

Second, where available information does not justify land-use restrictions, it may still be useful for the plan to signal specific considerations or concerns. For those situations, Canada recommends changing the wording from “Direction to Regulatory Authorities” to “Information for Decision-makers”. This revised wording would replace all references to Direction to Regulatory Authorities, with the exception of setbacks for migratory bird colonies (because we recommend the migratory bird setbacks are better addressed as land-use conditions, as discussed above). For instance, the Direction in respect of Site # 48 could be changed to:

Information for Decision-makers: The value of caribou calving and post-calving areas within this area should be given particular consideration in the screening and review of Project Proposals.

Directions in respect of sites #49, 50, 88, 89, and 103 to 113 should be revised in a like manner to make them “Information for Decision-makers”.

2.3 Use of Terms and Conditions in General

Issue and Discussion

The DNLUP is reasonably clear on what uses would be entirely prohibited in any given area. Some editing might be required to make sure Table 1 consistently uses the defined terms, but this can be easily fixed. Comments on specific definitions of uses and on prohibited uses in respect of specific sites are also provided elsewhere in these Comments and Recommendations.

Terms and conditions (we suggest the word “condition” is probably more appropriate than “terms and conditions”) should describe requirements that must be met for a land use to be in conformity with the land use plan (otherwise it would be prohibited). In including conditions in the plan, the Commission should ensure that the question of whether a Project Proposal meets each applicable condition will be verifiable by the Commission at the time it makes its conformity determination. Often, those requirements will relate to parameters to be included in the design of a Project Proposal. They may also relate to procedural requirements that would need to be complied with prior to the conformity determination (for instance, it is recommended below that prior notification requirements be included as conditions around certain areas).

The use of the defined word “term” in the plan is confusing. In the current draft, the only things that are referred to as “terms” in several places in the DLUP do not seem to set requirements to be met for a conformity determination. Rather they identify an area as raising special concerns for cumulative impacts, suggesting that the Commission would be more likely than elsewhere to exercise its discretion to refer a Project Proposal to screening despite being exempted by

Schedule 12-1 of the NLCA. Further comments are provided in respect of how the DNLUP addresses cumulative impacts in those Comments and Recommendations. Therefore these “terms” do not seem to set out a condition to be met and on which a determination of conformity would depend.

Recommendation

It is recommended that the notion of “Condition” be used for designating requirements a Project Proposal or a proponent must meet to establish conformity with the plan. The currently included “terms” regarding cumulative impact should not be called “terms” and should be revised to more clearly indicate that these are areas where based on currently available information the Commission considers cumulative impact referrals more likely. As indicated above and discussed further below, provisions on setbacks should be rephrased as conditions. As well, Canada recommends including a number of other conditions in the comments below.

3 The NLUP Cannot Apply to Wildlife Harvesting

3.1 Article 5 of the NLCA

Issue and Discussion

While the DNLUP (1.5.3 “Application of the Plan”) clearly states that the plan does not apply to subsistence land use and harvesting, it is also important to clarify that the plan cannot establish limitations on other (non-subsistence) wildlife harvesting, including fishing. Under the NLCA, establishing levels of total allowable harvest and non-quota limitations on harvesting fall within the exclusive purview of Article 5 and are under the sole authority of the Nunavut Wildlife Management Board and other authorities having a role to play under this Article. This flows clearly from the interaction of sections 5.6.16 and 5.6.48 with 11.8.1 of the NLCA.

Recommendation

It is recommended that the plan clearly state that it does not apply to those aspects of a Project Proposal that deal purely with wildlife harvesting activities (including fish harvesting activities). For instance, the following paragraph of section 1.5.3 of the DNLUP should read as follows:

The Plan does not apply to subsistence land use, or to the harvesting of wildlife as “harvest” is defined in the NLCA ~~and harvesting~~.

Additionally, the meaning of “subsistence land use” is not clear.

3.2 Remove Fishing Gear Setbacks from the Plan

Issue and Discussion

The setbacks for the use of fishing gear within specified distance parameters of bird colonies in key bird habitat sites would constitute non-quota limitations, as defined in section 5.1.1 of the NLCA, on fish harvesting activities. This means that the fishing gear setbacks, as non-quota limitations, cannot be established through the land use planning process.

Recommendation

It is recommended that setbacks for the use of fishing gear near key bird habitat sites be removed from the plan.

3.3 Vessel and Aerial Setbacks Do Not Apply to Inuit Harvesting Activities

Issue and discussion

The vessel and aerial setbacks near key bird habitat sites in the DNLUP may have incidental effects on harvesting. Section 5.7.16 of the NLCA sets out that Inuit have a free and unrestricted right of access in the Nunavut Settlement Area (NSA) for harvesting, subject only to certain exceptions, for example, for lands dedicated to national security, public safety concerns, and conservation restrictions imposed by the NWMB.

Recommendation

While 1.5.3 “Application of the Plan” in the DNLUP does state that the plan does not apply to subsistence land use and harvesting, the GOC recommends adding further clarity by noting that unless they fall within one of the exceptions noted above, any aerial or vessel setbacks do not fetter the Inuit right to unrestricted access for the purposes of harvesting, pursuant to section 5.7.16 of the NLCA.

4 Marine Shipping

Issue and Discussion

While recognizing the commitments in the NLCA and that the Commission has an important role in land use planning for the territory, Canada supports an approach to land use planning that both respects Canada’s international obligations and builds on Canada’s domestic regime, and that encourages free and open navigation within a highly regulated environment.

Transport Canada has previously provided the Commission with information on the legal regime that governs shipping in the Arctic (see correspondence related to amendments to the North Baffin Regional Land Use Plan dated December 24, 2013 and March 26, 2014). That information indicated that shipping in the north is a highly regulated activity. It is also an inherently international activity. The international rules and standards for vessels are designed to minimize the threat of accidents and pollution from shipping and have on the whole proved effective.

Canada's domestic legal regime reflects the international legal framework set out in documents such as the *United Nations Convention on the Law of the Sea* (UNCLOS) and conventions negotiated by specialized bodies of the United Nations such as the International Maritime Organization (IMO) and the International Labour Organization (ILO) which Canada has ratified.

The plan should be made expressly consistent with Canada's international legal obligations under these conventions. Transport Canada recommends adding a statement to this effect in the plan to make clear that it is intended, now and in the future, to work within and complement this regime.

In addition, as noted in Transport Canada's earlier submissions to the Commission, Canada has a robust domestic regime for Arctic shipping. That regime attempts to balance the need for a safe and environmentally responsible marine transportation system with the need to have viable, effective and economical marine transportation that facilitates commerce and the well-being of Canadians.

Other bodies, including the Commission, need to be mindful of the effectiveness of the domestic regulatory regime in place for Arctic shipping and the need to balance safe and environmentally responsible shipping with economic development. Transport Canada would be pleased to continue to work with the Commission to support its plan development. Additionally, we recommend that the Commission engage with other federal regulators and the shipping industry to develop planning practices that are safe, environmentally responsible and practical.

Canada notes that the DNLUP (at page 68) proposes to prohibit commercial shipping and cruise ships from operating in Moffett Inlet and in a portion of Foxe Basin. It is not clear what the purpose of such a prohibition is and why less restrictive measures cannot accomplish the same result(s). In Canada's view, an outright prohibition should only be put in place if other less restrictive measures have proven to be ineffective to address environmental and other concerns. As a general rule, Canada's domestic regulatory regime seeks to promote rather than restrict marine commerce. An outright ban on commercial shipping in Canadian waters could

have a significant and potentially negative impact both on the shipping industry and Canadian communities in the North.

Recommendations

To ensure that the NLUP respects Canada's international obligations with respect to navigation and shipping, it is recommended that the following wording be added either immediately before section 4.1.1 or at the end of section 1.5.3 (Application of the Plan) of the DNLUP:

The plan should be interpreted and applied in a way that respects Canada's international rights and obligations including under the *United Nations Convention on the Law of the Sea, 1982*, customary international law and any other binding international instrument.

To ensure that Canada's existing domestic regime is also respected it is recommended that the Commission be mindful of the existing domestic regulatory regime in place for Arctic shipping and the need to balance the need for safe and environmentally responsible shipping with economic development.

Canada further recommends that the underlying issues that led the DNLUP to propose the prohibition on shipping in Moffett Inlet and parts of Foxe Basin be discussed further. It is very likely that there is a less restrictive approach that could strike an appropriate balance between the different interests on shipping in Moffett Inlet and parts of Foxe Basin.

5 Cumulative Impacts

Issue and Discussion

The DNLUP mentions the need for the Commission to consider whether Project Proposals exempt from screening raise cumulative impact concerns in a number of places. It is important that the NLUP clearly explains that the Commission has the authority to refer Project Proposals exempt from screening to NIRB whenever it has concerns the Project Proposal would raise cumulative impact concerns, even though there are areas where such concerns are more likely than others.

For instance, in the DNLUP, the authority of the Commission to refer Schedule 12-1 projects to NIRB for screening where the Commission has cumulative impact concerns is often referred to as a "Term" throughout Table 1 in respect of particular sites. However, the Commission has the authority to refer any Project Proposal for which it has cumulative impact concerns to NIRB for screening, even Project Proposals in areas others than those in respect of which such a "Term"

has been included. Given this, including cumulative impact referrals as a general term throughout Table 1 appears to be redundant and may actually lead to the misinterpretation that it is only with respect to those areas already noted where, due to cumulative impact concerns, the Commission might refer a project to NIRB for screening. Clearly, the Commission is signalling sites in respect of which cumulative impacts would be of greater concern. However, this must be done in a way that will be clearer and does not suggest that the authority of the Commission to refer Schedule 12-1 projects for screening is curtailed.

The NLUP would also benefit from including more information on the criteria the Commission might be relying on in making cumulative impact-related determinations.

On page 46 of the DNLUP, the last paragraph of section 7.4 states the following: "The NPC also works with the Nunavut Impact Review Board and Nunavut Water Board when determining if there is a concern regarding cumulative impacts." In situations where a project may have or contribute to cumulative impacts both inside and outside a national park, national marine conservation area (NMCA) or national historic site (NHS) administered by Parks Canada, the Commission would also need to work with Parks Canada in determining the concerns related to cumulative impacts.

Recommendations

First, it is recommended that all the "Terms" in Table 1 of the DNLUP referring to cumulative impact referrals for Schedule 12-1 projects be changed to items included as "Information for Decision-makers". For instance, such a mention could read as follows:

Information for Decision-makers: This is an area of particular concern in respect of cumulative impacts.

Second, it is recommended that section 7.8 "Conformity Determinations" of the DNLUP be reviewed to make the subsection entitled "Project Proposal Exempt from Screening" a separate section in between sections 7.8 and 7.9. This new section would give more detail on cumulative impacts and the basis on which the Commission would consider them.

The Commission may choose to consult with NIRB in the consideration and refinement of this text:

7.X Referral of Projects Exempt from Screening

Consideration of Cumulative Impacts

Despite the fact a project may be exempt from screening by NIRB under the NLCA and NUPPAA, the NPC has authority to refer any project to NIRB for

screening where it has cumulative impact concerns. Cumulative impacts are changes to the biophysical, social, economic, and cultural environments caused by the combination of past, present and reasonably foreseeable future actions. Cumulative impacts are best understood by distinguishing them from direct impacts. Direct impacts are the impacts of a project or other activity on the environment independent and exclusive of the impacts of other projects or activities. In contrast, cumulative impacts may stem from the interaction of a project's direct impacts with the direct impacts of other development or natural events.

The NPC ensures that projects exempt from screening that may present cumulative impact concerns are referred to NIRB, while avoiding imposing unnecessary requirements. When determining if a project exempt from screening should nevertheless be referred to NIRB for screening, the Commission may consider a number of factors to determine the likelihood and severity of cumulative impacts, such as:

- Whether the project's contribution to cumulative impacts could result in an established or evidence-based benchmark^[1] being exceeded;
- Whether the project is located within an area identified as being of particular concern in respect of cumulative impacts taking into account its ecological or socio-cultural importance;
- Whether the project may evoke concern because of many existing demands on the same resources (e.g., many uses of water from the same water body);
- Whether the project may involve activities within or beyond the project footprint that can interact with other projects and activities and known values;
- Whether, if implemented, the project has the potential to induce further activity in the region that could negatively interact with known values.

No Cumulative Impact Concerns

[RELEVANT TEXT FROM SECTION 7.8 DNLUP.]

¹ NOTE TO COMMISSION: We use the term "benchmark" here rather than "threshold". The term "threshold" typically implies that details are fully known regarding the condition at which a valued component indicator has a significant shift in state (e.g., a wildlife population level that triggers an endangered status rating). The term "benchmark" has become the more acceptable terminology by practitioners to acknowledge that there is often significant uncertainty regarding such thresholds, and that benchmarks may be established based on multiple sources of information (e.g., traditional knowledge, scientific research, etc.).

Cumulative Impact Concerns

[RELEVANT TEXT FROM SECTION 7.8 DNLUP.]

Third, it is recommended that the last paragraph in the first column of p. 46 be amended as follows:

~~In~~The Plan identifies some of the Protected Areas and Special Management Areas identified listed in Schedule A as areas of particular concern in respect of cumulative impacts. ~~the NPC may refer Project Proposals falling within NLCA Schedule 12-1 to NIRB for screening, where the NPC has~~ In such areas, there is a greater likelihood the NPC will determine that a Project Proposal requires being referred for screening by NIRB despite being usually exempt from screening because of concerns respecting the cumulative impact of that Project Proposal in relation to other development activities. Project Proposals that may be considered to raise cumulative impact concerns will include uses such as: . . .

Finally, again on page 46 of the DNLUP, the last paragraph of section 7.4 should include the following statement: “NPC will also work with Parks Canada in situations where a Project Proposal may contribute to cumulative impacts both inside and outside a national park, national marine conservation area or national historic site administered by Parks Canada.”

6 Migratory Bird Setbacks

6.1 Not Applying Setbacks to Limit Research Activities

Issue and Discussion

The proposed vessel and aerial setbacks could impede ongoing wildlife research that should be permitted. For example, marine mammal research conducted by Fisheries and Oceans Canada (DFO) through aerial surveys may be impacted by the aerial setbacks. Environment Canada (EC)’s monitoring of migratory bird abundance and distribution could be similarly impacted. Such research is critical to obtaining information about wildlife health, abundance and distribution. The benefit of this research outweighs any potential harms it might have on bird habitat, particularly if properly managed.

Recommendation

It is recommended that the conditions setting out the aerial and vessel setbacks make an exception for research activities conducted by vessel and/or aircraft that are aimed at gathering

information about wildlife health, abundance or distribution. As a consequence, it is recommended that the following language be used to capture the setbacks as conditions:

Condition: Project Proposals must comply with the setbacks in Table 2 for [SPECIFY BIRD GROUP and SETBACK TYPE(S) If APPLICABLE] except wildlife health, abundance or distribution information research activities.

For greater certainty, this condition does not apply to the Inuit right to unrestricted access for the purposes of harvesting pursuant to section 5.7.16 of the NLCA.

6.2 Aid to Interpretation of Table 2: Migratory Bird Setbacks

Issue and Discussion

The DNLUP does not explain clearly how *Table 2 – Migratory Bird Setbacks* is supposed to function. This may create confusion.

Recommendation

It is recommended that an explanation be added on how the table is supposed to function. An explanation of how the table is meant to be used is being suggested in Annex B and could be added to Table 2.

7 Comments Relating to Chapter 1 – Land Use Planning in the Nunavut Settlement Area

7.1 Section 1.4.4 – Watershed Planning

Issue and Discussion

Section 1.4.4 (Watershed Planning) does not accurately reflect the co-management structure and responsible authorities for water management in Nunavut. This section should reflect the federal government's co-management responsibility for inland waters and the Government of Nunavut's responsibility for drinking water, which falls under its more general authority for health and sanitation.

Recommendation

Suggested rewording of this section:

The Minister of AANDC, along with the Government of Nunavut and the Nunavut Water Board (NWB) established under Article 13 of the NLCA, have mandated

responsibilities for the management, conservation and use of freshwater in Nunavut. The federal government and the NWB have shared responsibilities for the management of freshwater resources in Nunavut while the Government of Nunavut has responsibilities for community drinking water and waste management systems. The recently enacted Nunavut Waters Regulations (SOR/2013-69) established 65 Water Management Areas (WMA) within Nunavut (see Schedule B). Given the inter-connectivity between land and water, land use management within these WMAs is expected to be an important component of the Plan moving forward. While there is not an official water management strategy or policy currently in place for Nunavut, it is anticipated that the responsible authorities for water management in Nunavut will advance progress in this area, along with multiple stakeholders in the near future.

7.2 Section 1.5.3 – Application of the Plan

Issue and Discussion

It is important that the plan specifies clearly (i) the entire scope of its geographic application, and (ii) the scope of Project Proposals it applies to.

The NLUP should state explicitly that it would apply throughout the NSA and the Outer Land Fast Ice Zone. It already provides that it does not apply within national parks, NMCAs and NHSes administered by Parks Canada. As a separate matter, it should also state that it applies to all Project Proposals within the geographic area of the Commission's jurisdiction.

We already indicated above how Canada recommends clarifying that the plan will not apply to wildlife harvesting.

Recommendation

It is recommended that the first paragraph of section 1.5.3 of the DNLUP be modified as follows to clarify the geographical scope of the plan and the scope of activities to which it applies:

The Plan applies throughout the Nunavut Settlement Area and the Outer Land Fast Ice Zone, except within those areas excluded by [REFERENCE TO ESTABLISHED PARKS, ETC.] It applies to all Project Proposals within this area, ~~including surface and subsurface lands, freshwater, marine areas and the beds of these bodies of water, and renewable and non-renewable resources, including wildlife.~~

7.3 National Considerations as a Factor

Issue and Discussion

There is a general need to better highlight in the plan that national considerations be relevant factors in identifying Protected Areas and Special Management Areas.

Recommendation

Specific suggested edits include:

- Adding a reference to national considerations in factors to be taken into account in making Protected Area and Special Management Area designations (two separate bullets on p. 21): “Special local, regional and national considerations.”
- Adding a reference into the opening context of Chapter 2 Protecting and Sustaining the Environment (p. 23): “Special local, regional and national considerations.”
- Adding a reference into the opening context of Chapter 4 Building Healthier Communities (p. 32): “Special local, regional and national considerations.”

8 Comments Relating to Chapter 2 – Protecting and Sustaining the Environment

8.1 Section 2.3 – Climate Change

Issue and Discussion

Canada shares the Commission’s view that climate change is an important consideration to be taken into account by the Commission in developing and updating the plan. That said, a freestanding direction to regulators to consider climate change does not appear necessary or appropriate for the same reasons we stated with respect to the “Direction to Regulatory Authorities”. As indicated above, determining whether and what types of mitigation are required is by law an outcome of NIRB’s environmental assessment process and other applicable regulatory schemes. This would include taking into account relevant factors relating to climate change. The plan should avoid duplicating this requirement.

Recommendation

It is recommended that the direction to regulators at the end of s. 2.3 (Climate Change) be deleted, and that s. 2.3 clarify that climate change is a planning objective to be used by the Commission in developing and updating the plan in the future.

9 Comments on Chapter 3 – Encouraging Conservation Planning

9.1 Notification Zone around Existing National Parks, National Marine Conservation Areas and National Historic Sites

Issue and Discussion

Parks Canada has in the past discussed the idea with the Commission of establishing a “notification zone” around existing national parks, NMCAs and NHSes to inform Parks Canada of proposed projects outside of these parks and conservation areas. The purpose of such a notification is not to prevent projects that would otherwise be in conformity with the plan from proceeding, but merely to ensure that Parks Canada is aware of Project Proposals in the vicinity of those areas, giving it an opportunity to work with the proponent or better support NIRB in ensuring new projects have limited effects in national parks, NMCAs and NHS administered by Parks Canada.

Ideally, those zones would extend 50 km out of established national parks’ and NMCAs’ boundaries all-around of them, and 25 km out and around of NHS administered by Parks Canada.

Recommendations

It is recommended the NLUP provide for areas extending 50 km out from established national parks and NMCAs boundaries within which it shall be a condition of the NLUP that proof is given to the Commission prior to conformity determination that Parks Canada was notified of the following:

- Description of Project Proposal
- Name and contact information of proponent.

It is recommended the plan provide for similar areas extending 25 km around NHSes administered by Parks Canada within which the same condition to provide notification to Parks Canada be imposed.

9.2 Section 3.1.1.3 – Proposed National Marine Conservation Areas

Issue and Discussion

The DNLUP is supportive of establishing NMCAs in the NSA in the future. Whereas section 3.1.1.2 of the DNLUP refers to the *National Park System Plan* and the fact that, according to this plan, additional regions need to be represented through additional national parks, the DNLUP does not give the corresponding reference to Canada’s *National Marine*

Conservation Areas System Plan. Referring to this plan in section 3.1.1.3 and the fact that the marine regions it identifies in the NSA have yet to be represented by NMCAs would be informative and make that section of the plan more complete. This would parallel nicely with the information given in respect of proposed national parks.

At this point in time, Canada is not in a position to provide more specific areas that may be proposed as NMCAs other than the Lancaster Sound area which the DNLUP includes as a Protected Area and is specifically discussed below.

Recommendation

It is recommended that section 3.1.1.3 of the DNLUP be modified as follows:

3.1.1.3 Proposed National Marine Conservation Areas

National Marine Conservation Areas (NMCAs) provide a network of representative protected areas, and the Commission recognizes the desirability of establishing NMCAs in the NSA. While land use plans developed by the Commission do not apply within established NMCAs, the Commission has a role in supporting the identification and establishment of NMCAs.

Canada's National Marine Conservation Areas System Plan identifies nine marine regions either entirely or partially within the NSA: Lancaster Sound, Foxe Basin, Queen Maud Gulf, Baffin Island Shelf, Arctic Archipelago, Arctic Basin, Hudson Strait, Hudson Bay and James Bay. None of those regions are currently represented through an established NMCA, and only one proposal – Lancaster Sound NMCA -- is at an advanced stage.

Lancaster Sound is acknowledged as one of the most important marine areas in the Arctic. A project is now...

9.3 Inuit Impact and Benefit Agreement for National Wildlife Areas and Migratory Bird Sanctuaries in the Nunavut Settlement Area

Issue and Discussion

Environment Canada has negotiated an Inuit Impact and Benefits Agreement (IIBA) with Nunavut Tunngavik Inc. and the Regional Inuit Associations for its Migratory Bird Sanctuaries (MBSs) and National Wildlife Areas (NWAs) in the NSA. This agreement addresses matters connected with the MBSs and NWAs that would have a detrimental impact on Inuit or that could reasonably confer a benefit on Inuit. More particularly, Article 4 and sections 5.4 and 5.5 of this IIBA provide for the unique nature of Inuit use and management of Inuit Owned Lands

within MBS's and NWAs as well as the means of access to these Inuit Owned Lands through other lands in MBSs or NWAs.

The IIBA subject matter of relevance to the NLUP is as follows:

- special provisions for applications to permit activities on Inuit-owned land parcels within the MBS or NWA, where the proposed activities are supported by the Regional Inuit Association;
- provisions for removal of carving stone (quarrying) on Inuit Owned Lands and crown land within MBSs and NWAs;
- provisions for the siting and management of outpost camps on crown land within MBSs and NWAs.

The parties to the IIBA carefully negotiated provisions that would maintain legitimate use by Inuit of lands within MBSs and NWAs in a manner that is consistent with their status as Conservation Areas, as described in Article 9 of the NLCA. It is important that the NLUP does not inadvertently block these provisions so that the full breadth of potential MBS and NWA land uses by Inuit under the IIBA is preserved.

Currently, the DNLUP would impose prohibitions that could run counter to some uses which may be legitimately entertained under the IIBA (e.g., the prohibition on quarries would limit the removal of carving stones; setbacks might have to be adapted to provide access to Inuit-operated tourism facilities; other prohibited activities or infrastructure might also be exceptionally permitted on Inuit Owned Lands).

Recommendation

It is recommended that the following be provided in respect of all MBSs and NWAs:

Notwithstanding any prohibition or condition in the Plan, land uses connected with activities that are permitted or may be permitted pursuant to the *Migratory Bird Sanctuary Regulations* or the *Wildlife Area Regulations* and are conducted under Articles 4 and 5 of the *Inuit Impact and Benefit Agreement for National Wildlife Areas and Migratory Bird Sanctuaries in the Nunavut Settlement Area*, as this agreement may be amended from time to time, conform to the Plan.

10 Chapter 4 – Building Healthier Communities

10.1 Contaminated Sites

Issue and Discussion

In Chapter 4, section 4.4.3 (Contaminated Sites), the DNLUP is silent on future uses of remediated sites. This is contrary to the intent of the Northern Contaminated Sites Program. The DNLUP designates contaminated sites as Special Management Areas and prohibits “incompatible uses”; however there is no definition of “incompatible uses”. When consulting Table 1, one might assume that all uses other than remediation and monitoring of sites are “incompatible uses” in the case of contaminated sites.

In previous Canada submissions (e.g., the July 2013 technical submission), it was clearly stated that future use of remediated sites is encouraged under the concept of “open use of lands in Nunavut”.

Recommendation

Section 4.4.3 (Contaminated Sites) should reflect the Northern Contaminated Sites Program’s “open use of land” intent, and clearly state that remediated sites even though still listed as contaminated sites would be open to future uses, with use restrictions only on landfills, i.e. prohibition of direct drilling, camps or large landing pads. These changes should be reflected in Table 1.

10.2 Consultation Zone around Department of National Defence Sites

Issue and Discussion

As described in previous correspondence from the Department of National Defence (DND) to the Commission, many operational DND sites are sensitive to vibration and electromagnetic interference. Activities conducted adjacent to such sites can also pose safety risks. Establishing a “notification zone” around designated DND sites to require proponents of Project Proposals in the vicinity of those sites to notify DND would ensure that DND is aware of those Project Proposals and given an opportunity to work with the proponent at resolving issues beforehand.

Recommendation

It is recommended that, for Special Management Areas # 130-136 and 137-166, the following condition be added:

It is a condition of conformity with the Plan that proponents demonstrate that the Department of National Defence has been notified of the Project Proposal, in order to ensure that development and activities near these sites do not negatively impact the ongoing operations of the sites.

It is also recommended that the Commission work with DND to address the additional issues relating to aerodrome safety zones and the Joint Seismic Research Facility that were identified in correspondence from Jaime W. Pitfield (DND) to Sharon Ehloak (NPC) dated May 8, 2015.

11 Chapter 5 – Encouraging Sustainable Economic Development

11.1 Fisheries

Issue and Discussion

Subsistence Fisheries: While subsistence land use and harvesting activities are not subject to the NLUP, the NLUP can play an important role in protecting important harvesting areas.

Atlantic Cod Lakes: DFO provides the following clarification to the discussion on the Cod Lakes at page 44 of the Options and Recommendations to the DNLUP. While the Minister of Environment has accepted the NWMB's decision to not list these cod populations under the Species at Risk Act (SARA), the final decision on listing has not yet occurred or been published in the Canada Gazette. DFO also notes that whether or not the Atlantic Cod in the Cod Lakes are listed under the SARA, the species is still considered a species at risk by the Committee on the Status of Endangered Wildlife in Canada.

Char, Turbot and Shrimp: While some char and turbot areas of abundance have been identified in the DNLUP, Canada recommends that shrimp areas of abundance, in addition to those of char and turbot, also be identified under Schedule B of the DNLUP in order to provide important information for proponents and the public to consider.

Recommendation

It is recommended that the plan clearly identify important subsistence fishing and other fishing and marine mammal harvesting areas.

12 Chapter 7 – Implementation Strategy

12.1 Section 7.5 – Generally Permitted Uses - Commemoration of National Historic Sites

Issue and Discussion

National historic sites can be found in almost any setting, from urban or industrial locales to wilderness environments. It is most desirable that the NLUP recognizes the need for flexibility in commemorating NHSes anywhere in the NSA, and allowing for the recognition and

preservation of their heritage value. 'Commemoration' as an NHS is a symbolic act only and does not change land use by itself. It may lead to accessory activities such as putting up a plaque, but it does not on its own require a change in use of the site.

Just as the DNLUP provides that establishment of an NHS administered by Parks Canada should be a generally permitted use, the NLUP should specify that commemoration of a NHS is also generally permitted. This would give Canada the capacity to formally acknowledge all sites of historic significance in the NSA, and remove any doubt that this may be a prohibited use.

Recommendation

It is recommended that the following item be added as a generally permitted use in section 7.5 of the DNLUP:

- Commemoration of National Historic Sites.

12.2 Section 7.6 - Existing Rights

Issue and Discussion

In Section 7.6 (Existing Rights) the DNLUP identifies conditions under which the plan does not apply, citing NuPPAA transitional clauses. This section fails to consider the full mineral exploration and development life-cycle which consists of a series of related projects (i.e., prospecting, exploration, development, closure). As such, unless the plan is careful to protect pre-existing rights, a user with a claim in an area with a land use designation that prohibits mining or activities associated with mining may be prohibited from advancing the project to the next stage of the life-cycle.

While Section 7.6 of the DNLUP specifies that the land use plan will not apply to Project Proposals with existing rights, the DNLUP does not clearly define "existing rights". An analysis of current land tenure shows that approximately 21% and 24 % of existing subsurface tenures and surface tenures, respectively, are located in land use designations that prohibit major development. Furthermore, the existing rights provisions only apply to Project Proposals that have been approved or are in the process of being approved. If there is a significant modification to a project that meets the transitional clause conditions, the NLUP will then apply to that modified project.

It is undesirable that proponents, who have invested significant sums of money on research, field work, administration and tenure charges, and who have initiated projects on the expectation that those investments are secure, should be denied the ability to pursue their rights and advance them to the next stage of their expected life-cycle after the adoption of the plan. Canada considers that this is not the right policy to pursue since it would seriously

impede the advancement of more than 20% of existing tenures and therefore reduce related potential investments. This might also put a chill on the investment climate in Nunavut in general.

Recommendation

The plan should accommodate the development of all pre-existing tenures, including prospectors' permits and mining claims, as well as significant modifications to existing projects that were approved before the adoption of the plan so as to allow existing rights to advance to the other stages of their life-cycle. While NuPPAA sets minimal exemptions, the Commission is not bound by this minimum and has the authority to exempt pre-existing tenures from the application of specific land use designations and allow them to be modified so as to advance in the different stages of their life-cycle. When the tenures expire the prohibitions would then become applicable.

ANNEX A – Comments in Respect of Table 1: Land Use Designations

Impact on Proposed Transportation Corridors

Issue and Discussion

It seems that two major proposed transportation corridors, the Izok Corridor and the Manitoba to Kivalliq Corridor, are compromised through Protected Area and Special Management Area land use designations and prohibitions on all-weather roads along their routes. It is unclear if this was deliberate, given that both of these transportation corridors are intended by their proponents to be all-weather roads.

Recommendation

Since those transportation corridors are known and intended by their proponents to be all-weather roads, it is recommended that they be exempted from the prohibition on all-weather roads.

Prohibition of "Related Research"

Issue and Discussion

Canada is concerned that blanket prohibitions on research related to prohibited uses, as are listed in many land use designations in the plan, may unnecessarily prevent research activities

that are not harmful to other values. For example, geoscience research and mapping (GEM II)² is important to bring knowledge of the land to modern standards, as a basis for informed decisions”. It is Canada’s view that research should not generally be prohibited unless it conflicts with other values, in which case only that type of research should be clearly identified under prohibited uses.

Canada also notes that additional measures and systems exist for ensuring that research is not in conflict with priority values (e.g., the Nunavut Research Institute (NRI) under Nunavut’s *Scientist Act*). It therefore does not appear necessary to prohibit all research which may be considered related to a prohibited use in respect of a site.

Recommendation

Canada recommends prohibiting “related research except Non-exploitive Scientific Research” in Table 1. “Non-exploitive Scientific Research” should be defined as follows and added to the definitions:

Non-exploitive Scientific Research means not-for-profit investigation based on scientific methods of data collection whose procedures and outcomes adhere to recognized ethical parameters of non-exploitation.

This ensures that publicly-funded research is allowed to continue in sites with prohibitions in Table 1. Recognizing that some specific non-exploitive research activities may conflict with the values associated with some planning areas, Canada recommends that where such activities are identified in developing the plan, specific research activities be prohibited in Table 1.

Environment Canada to be Notified of all Activity near Key Bird Habitat Sites

Issue and discussion

Environment Canada should be notified of all activities at Key Bird Habitat Sites to enable the Department to advise proponents on the location and timing of bird activity in the area, and to discuss vessel/aircraft routing. EC need not approve the project, but the Commission should be satisfied that this procedural requirement has been met before it makes its conformity determination.

Recommendation

² In 2013 the Prime Minister announced GEM II, the Geo-mapping for Energy and Minerals. GEM II will invest \$100 million over the next seven years.

It is recommended that proponents of projects at Key Bird Habitat Sites (sites # 1 to 46 inclusive) have notified EC before the Commission makes a conformity finding. The following condition could be added in Table 1 (Land Use Designations):

It is a condition of conformity with the Plan that proponents demonstrate that Environment Canada-Canadian Wildlife Service has been notified of the Project Proposal so that Environment Canada-Canadian Wildlife Service can provide information on the location and timing of bird activity in the area and discuss ship routing through the area as applicable.

Site # 29 – Key Bird Habitat Site – Creswell Bay

Issue and Discussion

Creswell Bay is a combined marine and terrestrial Key Bird Habitat Site. Therefore, EC recommends prohibitions for activities in addition to the oil/gas and related research already included. It would be appropriate to include the same prohibitions that are found in the other terrestrial Key Bird Habitat Sites in the list of Protected Areas.

Recommendation

Prohibited activities which apply to the Rasmussen Lowlands Key Bird Habitat Site should be added to the prohibition on oil/gas at Creswell Bay.

Site # 44 – Key Bird Habitat Site – Sabine Peninsula

Issue and Discussion

Sabine Peninsula is likely to be identified as Critical Habitat for Peary Caribou in the near future, at which time prohibitions on land use will be needed that could require amendments to the plan, if the current proposed designation is used.

Recommendation

The Commission could consider, for efficiency, simply designating this site as a Protected Area with appropriate prohibited uses.

Sites # 51, 57 and 58 - National Parks Awaiting Full Establishment - Ward Hunt Island; Proposed National Park – Blue Nose Lake Area; Proposed National Park – Qausuittuq (Bathurst Island)

Issue and Discussion

To facilitate the establishment of proposed national parks, such areas require land management consistent with the prevention of new interests in these lands. Particular land management is also required to ensure that the cultural and ecological integrity and heritage values of future park resources are preserved. Moreover, permitted land uses should not be allowed for too long a term in case they would be inconsistent with the establishment of the national park.

In addition to the Prohibited Uses already provided for in the DNLUP, it is desirable to include others long-term land uses and uses which would negatively affect the value of lands as future park resources.

Recommendation

It is recommended that the Prohibited Uses for Sites # 51, 57 and 58 be modified as follows:

The following uses are prohibited:

- Mineral exploration and production;
- Oil and gas exploration and production;
- Quarries;
- Hydro development;
- All-weather roads; ~~and~~
- Uses of land or water for a term of more than five years, except, for greater certainty, in respect of Existing Rights; and
- Any use that would diminish the ecological integrity or the heritage value of the land as future park resources.
- ~~Related research.~~

Site # 52 – Ukkusiksalik National Park of Canada

Issue and Discussion

Most of the area of Ukkusiksalik National Park of Canada is now fully established under the Canada National Parks Act (see <http://gazette.gc.ca/rp-pr/p2/2014/2014-08-13/html/sor-dors187-eng.php>). The NLUP will therefore not apply to that area. The DNLUP will need to be modified to account for this.

The Sila Lodge area has yet to be included in the fully established national park area. However, the long term intent is for Sila Lodge to be included within the park boundary. In the shorter term, the NLUP will therefore apply to Sila Lodge. Because Sila Lodge is considered an area awaiting full establishment as part of Ukkusiksalik National Park, it seems most proper to give it

Protected Area status as an area awaiting full establishment as a national park with the level of protection suggested by the Commission for such areas.

Parks Canada previously provided the Commission with information on the boundaries of the Sila Lodge Area. However, should it require further information in this respect, the Commission should contact Parks Canada.

Recommendation

It is recommended that the colour of Ukkusiksalik National Park in Figure 1 of the draft NLUP be changed.

It is also recommended that references to Ukkusiksalik National Park in general be removed from Table 1 and Annex A, and replaced with references to the Sila Lodge area:

Area Awaiting Full Establishment as Part of a National Park – Sila Lodge (Ukkusiksalik).

Site # 59 – Peary Caribou Habitat Adjacent to Proposed Qausuittuq National Park

Issue and Discussion

The North-eastern part of Bathurst Island is designated as Protected Area #59 – Peary Caribou Habitat Adjacent to Proposed Qausuittuq National Park with prohibitions on mineral exploration and production, oil and gas exploration and production, quarries, hydro development, all-weather roads, and related research. While the prohibitions are an accurate capture of the current moratorium on development activities – until the longer-term needs of the Peary Caribou herd are known, AANDC is concerned that the protected area designation goes farther than is necessary for a special management regime in the area. The zoning for the area needs to recognize both the interests of protecting the sensitive caribou calving grounds as well as the high mineral development potential of the area.

Recommendation

It is recommended that site # 59 not be listed as a Protected Area, but as a Special Management Area that maintains the prohibitions currently listed, but also identifies the need for further study by the Senior Mineral and Energy Resource Assessment (MERA) Committee, which is committed to develop management options. These options may necessitate a future plan amendment. This recognizes both the interests for protecting the sensitive caribou calving grounds as well as the high mineral development potential of the area.

Site # 61 – Proposed Lancaster Sound National Marine Conservation Area

Issue and Discussion

The only outright prohibitions in NMCAs under the *Canada National Marine Conservation Areas Act* are mineral and hydrocarbon exploration and development, and ocean dumping or disposal at sea. The prohibited uses identified for the Proposed Lancaster Sound NMCA in the DNLUP are not entirely consistent with those prohibitions in the *Canada National Marine Conservation Areas Act*. They should be adjusted accordingly.

The layout of area 61 - Proposed Lancaster Sound NMCA in Schedule B is currently confusing. Number 61 shows up in different polygons even though it refers to one area. In particular, the semi-circle extending from NW corner Bylot (off Cape Hay) that has only 61 in it seems to be missing a number (probably number 15). As well, it is not clear that marine areas in Navy Board, Eclipse Sound and near Pond Inlet are part of polygon 61. The apparent buffer zone around Bylot Island does not indicate how it is proposed to be zoned/designated (is it the Bylot Island Migratory Bird Sanctuary?).

Recommendations

It is recommended that the Prohibited Uses for Site # 61 - Proposed Lancaster Sound National Marine Conservation Area be modified as follows:

The following uses are prohibited:

- Mineral exploration and production;
- Oil and gas exploration and production; and
- Disposal at sea.
- ~~Quarries;~~
- ~~Hydro development; and~~
- ~~Related research.~~

It is recommended that the following be added as a new definition:

Disposal at Sea has the same meaning as “disposal” in section 122 of the *Canadian Environmental Protection Act, 1999* as amended from time to time.

It is recommended that Schedule B should be reviewed to show site # 61 as one polygon, if possible, and to clearly include the area around Bylot Island.

Site # 97 – Denesuline Land Withdrawals

Issue and Discussion

Area 97 Denesuline Land Withdrawals is designated as a Protected Area in the DNLUP. This area prohibits mineral exploration and production, oil and gas exploration and production, quarries,

hydro development, and all-weather roads. These lands are subject to the Order in Council #PC 2013-625 (<http://gazette.gc.ca/rp-pr/p2/2013/2013-06-19/html/si-tr62-eng.php>) in which both the surface and subsurface rights to the lands are withdrawn from disposal for a period of three years. Specifically, the land withdrawal prohibits long-term leases in the area, but does not prohibit short-term permits. The land withdrawal also has a qualifier that allows for long-term leases associated with quarrying activities. Given this information, the prohibitions listed in the DNLUP are not congruent with those within the land withdrawal. The land withdrawal still permits activities associated with mineral exploration, oil and gas exploration, and quarries.

Recommendation

Given that the withdrawals in place address the planning needs of the area, it is best not to identify site # 97 in the plan. If it is to be identified, then we recommend that it be designated as a Special Management Zone with prohibitions in place that align with the Order in Council they are subject to.

Sites # 130 to 136 and 137 to 166 - Department of National Defence Establishments and North Warning System Sites

Issue and Discussion

In Table 1, Sites #130-136 and #137-166, the DNLUP lists prohibited uses as follows: “All uses are prohibited except GoC activities” (pg. 69-70). Based on the March 2011 GoC submission on the December 2010 Draft Land Use Plan, and given the need for these sites to be made available on occasion for Government of Nunavut activities, DND finds the prohibited uses too restrictive.

Recommendation

It is therefore suggested that the language be changed to “All uses are prohibited except Government of Canada and Government of Nunavut activities” (“and activities associated with the remediation and monitoring of the sites” for sites # 137 to 166.)

ANNEX B - Aid to Interpretation of Table 2: Migratory Bird Setbacks

First, consult *Table 1: Land Use Designations* (pg. 54 of DNLUP) to identify the prohibitions in place for a given key habitat site. For activities that are not prohibited, determine the type of setbacks that are relevant from Table 1, and then use *Table 2: Migratory Birds Setbacks* (pg. 71 DNLUP) to identify the specific details for the type of activities and type of birds under consideration.

Table 2: Migratory Bird Setbacks (pg. 71) is divided according to type of activity (aerial, marine, and terrestrial), and by different bird groups. The first row provides information on setbacks in place for migratory birds generally. Subsequent rows provide information on more specific setbacks in place for various bird groups. In some cases setbacks for certain bird groups will also apply to other bird groups but may include additional restrictions. For example, the aerial setbacks for All Seabirds include a lateral setback of 3 km from the seaward side of seaward colonies PLUS the setbacks listed for All Migratory Birds. The table is constructed this way to ensure that setbacks are only placed where they are needed to avoid being overly restrictive.

Example #1: Site is in the 'Protected Area' Land Use Designation, and is a Bird Sanctuary or National Wildlife Area (protected under legislation)

Example: Seymour Island Migratory Bird Sanctuary (MBS)

1. Go to *Table 1: Land Use Designations: Seymour Island MBS* (see Land Use Designation #70).

Note the prohibitions for this site:

- Mineral exploration and production;
- Oil and gas exploration and production;
- Quarries;
- Hydro development;
- All-weather roads; and
- Related research

For activities that are not prohibited, the following setbacks must be observed: Aerial Setbacks (All Seabirds), Marine Setbacks (All Seabirds), and Terrestrial Setbacks (Ivory Gull).

2. Go to *Table 2: Migratory Bird Setbacks* (pg. 71) for specific setbacks by 'Bird Group':

a. All Seabirds, aerial setbacks

This setback includes the aerial setbacks listed for All Migratory Birds AS WELL AS those listed for All Seabirds. All overflying aircraft must maintain a:

- i. Minimum vertical setback of 1100 m and a minimum lateral aerial setback of 1.5 km from where concentrations of birds are present (in this case, the concentration is the Ivory Gull nesting colony on Seymour Island). This is a SEASONAL SETBACK (mid-May to end of August).
- ii. Lateral setback of 3 km from the seaward side of seabird colonies (in this case, the Ivory Gull colony on Seymour Island). This is a SEASONAL SETBACK (mid-May to end of August).

b. All Seabirds, marine setbacks

These are:

- i. 500 m setback from seabird colonies when birds are present. This is a SEASONAL SETBACK (Mid-May to end of August).
- ii. 100 m setback from seabird colonies for zodiacs, kayaks and other small launch vessels. This is a SEASONAL SETBACK (Mid-May to end of August)

c. Ivory Gull, terrestrial setbacks

- 2 km setback distance from breeding sites (in this case, Seymour Island). This is a SEASONAL SETBACK (mid-May to end of August).

Example #2: Site is in the 'Protected Area' Land Use Designation, and is not part of a National Wildlife Area or a Migratory Bird Sanctuary

Example: Lambert Channel Key Bird Habitat Site

1. Go to *Table 1: Land Use Designations: Lambert Channel Key Habitat Site* (Land Use Designation #11).

Note the prohibitions for this site:

- Oil and gas exploration and production; and
- Related research

For activities that are not prohibited, the following setbacks must be observed: *Aerial Setbacks (Coastal Waterfowl and Seaducks)*, *Terrestrial Setbacks (Coastal Waterfowl and Seaducks)*, and *Marine Setbacks (Coastal Waterfowl and Seaducks)*.

2. Go to *Table 2: Migratory Bird Setbacks* (pg. 71) for specific setbacks by 'Bird Group':

a. Coastal Waterfowl and Seaducks, aerial setbacks

This setback includes the aerial setbacks listed for All Migratory Birds AS WELL AS those listed for Coastal Waterfowl and Seaducks. All overflying aircraft must maintain a:

- i. Minimum vertical setback of 1100 m and a minimum lateral aerial setback of 1.5 km in areas where concentrations of birds are present. This is a SEASONAL SETBACK (mid-May to end of August).
- ii. Lateral setback of 3 km from flocks of Coastal Waterfowl and Seaducks. This is a SEASONAL SETBACK (mid-May to end of August).

b. Coastal Waterfowl and Seaducks, terrestrial setbacks

This setback includes the terrestrial setbacks listed for All Migratory Birds (there are no specific setbacks for Coastal Waterfowl and Seaducks, the table simply refers the reader back to the 'All Migratory Birds' row):

- 300 m setback from concentration of birds (i.e. bird breeding colonies at Coburg Island and marine moulting areas). This is a SEASONAL SETBACK (mid-May to end of August).

c. Coastal Waterfowl and Seaducks, marine setbacks.

- 500 m setback distance from seaduck colonies, moulting aggregations of seaducks and waterfowl. This is a SEASONAL SETBACK (mid-May to end of August).

Note: All of the setbacks are seasonal. Setbacks are measured outward from the bird colony itself, NOT from the boundary of the Key Habitat Site.

Example #3: Site is in the 'Special Management' land use designation

Example: Hell Gate and Cardigan Strait Key Bird Habitat Site

1. Go to *Table 1: Land Use Designations: Hell Gate and Cardigan Strait* (Land Use Designation #18)

Note there are no prohibitions for this site. However, the following setbacks must be observed: *Aerial Setbacks (All Seabirds)*, *Terrestrial Setbacks (All Seabirds)*, *Marine Setbacks (Northern Fulmar)*, and *Aerial Setbacks Coastal Waterfowl and Seaducks*.

2. Go to *Table 2: Migratory Bird Setbacks* (pg. 71) for specific setbacks by 'Bird Group':

a. All seabirds, aerial setbacks

This setback includes the aerial setbacks listed for All Migratory Birds AS WELL AS those listed for All Seabirds. All overflying aircraft must maintain a:

- i. Minimum vertical setback of 1100 m and a minimum lateral aerial setback of 1.5 km from where concentrations of birds are present. This is a SEASONAL SETBACK (mid-May to end of August).
- ii. Lateral setback of 3 km from the seaward side of seabird colonies. This is a SEASONAL SETBACK (mid-May to end of August).

b. All Seabirds, terrestrial setbacks

This setback includes the terrestrial setbacks listed for All Migratory Birds (there are no specific setbacks for All Seabirds, the table simply refers the reader back to the 'All Migratory Birds' cell):

- 300 m setback from concentration of birds (i.e. bird breeding colonies and marine moulting areas). This is a SEASONAL SETBACK (mid-May to end of August).

c. Northern Fulmar, marine setbacks

This setback includes the marine setbacks listed for Northern Fulmars AS WELL AS those listed for All Seabirds. These include a:

- i. 500 m setback from seabird colonies. This is a SEASONAL SETBACK (mid-May to end of August).
- ii. 100 m setback from seabird colonies for zodiacs, kayaks and other small launch vessels. This is a SEASONAL SETBACK (mid-May to end of August).

d. Coastal Waterfowl and Seaducks, marine setbacks

- 500 m setback distance from seaduck colonies, moulting aggregations of seaducks and waterfowl. This is a SEASONAL SETBACK (mid-May to end of August).

Note: All of the setbacks are seasonal. Setbacks are measured outward from the bird colony itself, NOT from the boundary of the Key Habitat Site.

ANNEX C – Requests for Further Information

Polynyas

Issue and Discussion

Polynyas are biologically and ecologically important areas that have been assigned a Mixed Use land use designation. Given the ecological value of polynyas, it would be useful to know on what basis the decision was made to designate polynyas as mixed use rather than special management areas.

This being said, Canada recommends that the plan continue to identify all EBSAs and polynyas to provide information to proponents and the public, and that where there is sufficient and specific science and traditional knowledge to support the same, conditions of use in the vicinity of polynyas and in EBSAs be set out in the plan.

Recommendation

We request that the Commission provide information relevant to the designation of polynyas in the plan so as to enable Canada to provide better informed feedback.

Designation of Some National Historic Sites as Protected Areas and Not Others

Issue and Discussion

Eight NHSes out of twelve in the NSA are being given Protected Area status in the DNLUP. They are listed as sites # 76 to 84 in Table 1. In order to be able to provide fully informed feedback on the level of protection to be given by the NLUP to the NHSes, it would be useful if the Commission could provide the information it used to determine which of the 12 NHSes warranted protection and which did not.

Recommendation

We request that the Commission provide Parks Canada with the information on which it has based its determination of the level of protection to be given each of the 12 NHSes in the NSA.

Prohibition on Establishment of Tourism Facilities

Issue and Discussion

In the DNLUP, sites bearing the designation # 167 or 168 are subject to a prohibition against the establishment of tourism facilities. Those sites are designated either as having “High Mineral Potential” or being subject to an “Oil and Gas Significant Discovery Licence”. However, it is not obvious that all types of tourism facilities for any length of time would always be inconsistent

with the purpose for which those areas would be designated and set apart. More information on the basis on which it was decided that all tourism facilities should be prohibited would be useful for Canada to provide fully informed feedback.

Recommendation

We request that the Commission provides AANDC with the information on which it has based its determination that the establishment of tourism facilities should be prohibited in areas designated as # 167 or 168.

ANNEX D - Definitions

The Working Group identified some of the definitions in the DNLUP as inaccurate, inconsistent or missing. The Working Group followed a structured approach to identify definitions that require improvement, based on the following considerations:

- Definitions that must be consistent with the NLCA or other relevant acts, policies or regulations.
- Definitions with unintended consequences.
- Definitions important to an understanding of a concept but missing in the DNLUP.
- Definitions that confuse rules with definitions.
- Inconsistent use of definitions.
- Ensuring any other suggested changes to the DNLUP are included and accurately portrayed in the definitions section of the revised version of the plan.

Recommendations

The Working Group has developed a suggested list of definitions for the Commission's consideration. They are presented in alphabetical order.

Accessory Use

DNLUP definition: "means a use of land that is temporary or seasonal and is both incidental to and customarily found in connection with a principle land use."

Suggested definition: a use or activity that is incidental and subordinate to the main use or activity permitted in a land use designation.

The suggested definition removes the idea of an accessory use being temporary or seasonal as this may have the unintended consequence of making an accessory use or activity non-conforming if it remains a permanent use or activity subordinate to the main use or activity.

Area of Interest

DNLUP definition: "means a spatial area where the principles of conservation planning and sound land use management practices are applied through Land Use Designations, in order to protect areas of particular ecological, cultural, social, archaeological, historic,

research, restoration of environmental integrity or other similar purpose in the absence of legislation.”

Suggested definition: means a spatial area where the principles of conservation planning and sound land use management practices are applied through Land Use Designations, in order to protect or promote areas of particular ecological, cultural, social, economic, archaeological, historical, or research interest as well as the restoration of environmental integrity or other similar purpose in the absence of legislation.

The land use plan is also intended to “encourage sustainable Economic development”, including mineral exploration and development, tourism, commercial fishing, etc.

Marine Infrastructure

There is no reference to marine infrastructure in the DNLUP; therefore a definition is not required.

Mineral Exploration and Development

There are no definitions of “mining” or “mineral exploration”. Further, the two terms are used interchangeably throughout the DNLUP. In particular, Table 1 which indicates prohibited uses for specific sites (land use designations), sometimes prohibits “mining” and at other times prohibits “mining exploration and production”. This could be interpreted such that where only “mining” is prohibited, prospecting, staking a claim and exploration would be permitted. For the purposes of clarity and to better reflect the range of uses and activities that are potentially involved in the life cycle of the development of a mine, it is suggested that a single term, “**mineral exploration and development**” be used consistently throughout the NLUP.

Suggested definition: **mineral exploration and development** includes prospecting for minerals, staking a claim, surveying, removal and processing of a mineral resource, developing or operating a mine, reclamation and any other works required within the meaning of the Nunavut Mining Regulations, but does not include government funded geological research or any other low-impact exploration or research activities that do not require environmental assessment and are not associated with mine development.

With this definition, it would be clear that the full range of activities would be prohibited, or conversely permitted, in certain site-specific land use designations, with the exception of low-risk exploration or research activities. Alternatively, to address the

issue of clarity, consideration could be given to providing separate definitions for “mineral exploration” and “mining”.

National Parks Awaiting Full Establishment

DNLUP definition: “means areas awaiting full establishment as a National Park under the *Canada National Parks Act*”.

Suggested definition: an area that is awaiting full establishment as a National Park under the *Canada National Parks Act* but for which an Inuit Impact and Benefit Agreement has been signed.

Project and Project Proposal

Rather than provide separate definitions, which may create confusion, we suggest that the plan simply state that the definitions for “Project” and “Project Proposal” are the same as those found in *NuPPAA* and the *NLCA*, respectively.

Proposed National Park

DNLUP definition: “means an area for which the NPC has been notified by Government that a National Park is being, or has been, proposed with respect to that area under the applicable federal laws of Canada.”

Suggested definition: please delete “under the applicable federal laws of Canada”.

Proposed National Marine Conservation Area

A definition should be included in the definitions section for Proposed National Marine Conservation Area.

Suggested definition: “means an area for which the NPC has been notified by Government that a National Marine Conservation Area is being, or has been, proposed.”

Tourism

DNLUP definition: means the activities of persons travelling to and staying in places outside of their usual environment for not more than one consecutive year for leisure, business and other purposes.

Suggested definition: means the activities of a tourist, guide or outfitter who travel to and stay in places outside of their usual environment for leisure, recreational and/or sporting purposes.

The suggested definition removes “business” from the definition to avoid the potential for misinterpretation of what kind of business is a conforming use.

Transportation Corridor

Current definition: reads more like a rule than a definition.

DNLUP definition: Transportation Corridor means an area that is designated to be used for a public or private road, rail or shipping route, and may be used by any person for the purpose of transportation. Any industrial activity within the corridor shall be in accordance with the terms and conditions of any permits, licenses or authorizations. Any incidental activities or regular maintenance associated with the upkeep or continued operation of the transportation corridor to ensure the safe operation of transportation-related infrastructure and activities will not require further review or amendment.

Suggested definition: a transportation corridor is a linear development between two or more geographical points for the purposes of transporting resources, goods and people. Such a corridor can be multi-modal and intermodal and be comprised of road, rail, marine and/or air transportation –related infrastructure as well as works or structures for the construction, maintenance and safe operation of the corridor. Transportation corridors may also be combined with utilities such as power and communication transmission lines and towers.

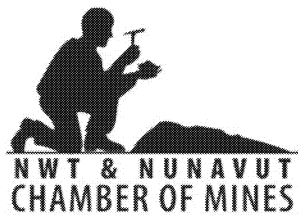
ANNEX E -- Editorial Comments

Page Number	Section/Location	Issue/Comment
10	Definitions	Planning Partner: The definition appears to be a definition for the term “stakeholder” and “public” rather than “planning partner”.
13	Chapter 1	There should be a reference to Crown lands to clarify the context of the NLUP for everyone.
20		Chapters 2 – 5 organize the DNLUP by theme while Chapter 6 is a specific designation/zone. It should be organized differently for clarity because at first it seems that chapters 2-5 are individual zones, but that is not the case.
21	1.5.5	Step 2: “would be considered” – The NLUP needs to clarify whether this means “would be considered to conform to the NLUP”.
29	3.1.2	Article 9 is the relevant article of the NLCA re Conservation Areas, not Article 8.
35	4.4.1.2	Words are missing in the designation/zoning box.
36	4.4.2	Should read: “In Nunavut, there are seven (7) Long Range Radar (LRR) Sites and twenty-four (24) Short Range Radar (SRR) Sites.”
36	4.5.1	<p>Please add: “Resolute Bay, Wrangel Bay and Lincoln Bay” to the list of DND establishments.</p> <p>Note: Lake Hazen should not be included in this list as the NLUP will not apply to DND sites that are within national parks because the NLUP does not apply within national parks. Lake Hazen is within Quttinirpaaq National Park. Parks Canada</p>

		works with DND re access to the site by DND. Wrangel Bay and Lincoln Bay are <u>not</u> within Quttinirpaaq National Park.
38	Chapter 5, Introduction	The NLUP should clarify whether tourism was identified as supporting the NPC goal of encouraging sustainable development.
46	7.4	The reference to the NPC “working” with NIRB and NWB on cumulative impacts is vague and should be clarified, as should the role of the NWMB.
47	7.8	The NLUP should clarify whether it is referring to specific recommendations from NPC to NIRB or recommendations that are in the NLUP.
48-49	7.9	The NLUP should indicate how it was determined that 10 days would be the turnaround time and whether this is standard and appropriate, as well as whether others would be informed if there is an extension.
52	7.1.4	The text suggests that projects that do not conform to the NLUP may or may not be prohibited uses.
54-68	Table 1	<p>In Protected Areas, the table sometimes states that “The following uses are prohibited”, while other times it states that “Activities associated with these uses are prohibited”. This leads to confusion with respect to what is being prohibited. For example, is there a difference between prohibiting the uses of “oil and gas exploration and production” (areas 5, 9, 11-12, 24-27, 29, 32-33, 38, 40, 42, 47, 51-87, 90-99), versus prohibiting activities associated with “oil and gas” (areas 10, 13, 23, 28, 30-31, 34-37, 39, 41, 43, 45-46)? Similarly, is there a difference between prohibiting the uses of quarries, hydro development or all-weather roads (areas 47, 51-87, 90, 94-97), versus prohibiting activities associated with quarries, hydro development, or all-weather roads (areas 10, 13, 23, 28, 30-32, 34-37, 39, 41, 43, 45-46)?</p> <p>The NLUP should use consistent language in this regard.</p>

63	Table 1	The names of the two proposed national parks are misspelled. They should spell “Bluenose” and “Qausuittuq”.
67	Area 89	The NPC suggests it has the authority to limit what the NWB will consider. This reference needs to be reworded in a way that reflects the NPC jurisdiction on this matter.
69	Table	DND Establishments: there are six (6) sites in the High Arctic Data Communications System. Only four (4) are listed. Please add: High Arctic Data Communication System – Victor and High Arctic Data Communication System – IDA. Please add the following sentence: “If the Park does not remain crown land, DND should have the option to retain the HADCS land requirement.”
70	Table 1	There are a total of 31 North Warning System sites. Please add: PIN-CB Bernard Harbour. Correct: FOX-CA. Change from Langok Fiord to Kangok Fiord. Remove the period Cam-1.A to read Cam-1A.
72	Table 2	Revise Footnote 1 to read: “Aircraft shall endeavour to maintain, subject to pilot discretion regarding aircraft and human safety, and except for specified operational purposes such as take offs and landings, etc., the proposed vertical and lateral aerial setbacks.” Revise Footnote 2 to read: “Subject to situations in which the safety of vessel, crew and passengers will need to come first”.
76	Options and Recommendations	Revise bullet 3 on page 76 (“Aerodromes”) to read: The Airport Zoning Regulations created under the Aeronautics Act, which states Land use activities within the municipal aerodromes

		<p>certified Nunavut aerodromes (i.e. airports) (4 km radius measured from the midpoint of the runway) are required to comply with existing <i>Airport Zoning Regulations</i> created under the <i>Aeronautics Act</i>; under these regulations, building heights are restricted and additional hazardous uses are often identified, including bird attractants, which can pose a significant threat to aircraft operations.</p> <p>Revise the “Recommendation for Aerodromes” on page 76 to read:</p> <p>Regulations are in place for all Nunavut airports certified Nunavut aerodromes (airports) and the land use plan does not need to duplicate restrictions.</p>
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March 13, 2017

Mr. Andrew Nakashuk
Chair, Nunavut Planning Commission
P.O. Box 1797
Iqaluit, Nunavut X0A 0H0

Email: anakashuk@nunavut.ca

Dear Mr. Chair:

RE: Procedural Concerns regarding the 2016 Draft Nunavut Land Use Plan Process and Final Public Hearing

This letter is with respect to the scheduled Nunavut Land Use Plan (NLUP) Public Hearing and in response to the release of the "Notice of Change to Regional Public Hearings" issued on March 3, 2017 (the Notice of Change). For many years, the NWT & Nunavut Chamber of Mines (Chamber) has provided support and advice to the Nunavut Planning Commission (NPC), commented on all three drafts of the draft NLUP (2011-2012, 2014, 2016), and attended the series of technical meetings on the draft NLUP held during 2015 and 2016. We ask that this letter be placed on the consultation record.

We are writing to express the profound concerns that the Chamber has with respect to the 2016 Draft NLUP, the final public hearings and the process to date. The Chamber believes the process is seriously conflicted, does not represent stakeholder input, and has been far from transparent.

1. The 2016 Draft NLUP should not be advanced to public hearings until it is revised.

The Chamber and our members view Inuit, Inuit organizations and Indigenous groups, Northern residents, IPGs established under the Nunavut Agreement, and the territorial and federal government as our partners in ensuring that Nunavut has a strong and responsible mining industry. As such, we stand with our planning partners who signal that the final public hearings should be delayed until after a revised Draft NLUP is presented:

"The current DNLUP does not adequately address Inuit concerns, goals and objectives... subsurface IOLs were selected to support the exercise of mineral rights... constraining activities on subsurface IOLs directly detracts from promoting economic development in Nunavut, which is identified in the DNLUP 2016 as one of the key priority of Inuit and is an NPC Goal." - Joint written submission of Nunavut Tunngavik Inc. (NTI) and the three Regional Inuit Associations, January 13, 2017

"The NPC has neglected to consult with residents of Nunavut communities regarding the latest two drafts of the NLUP and that the NPC cannot possibly draw conclusions whether the 2016 version reflects the priorities and values of Nunavummiut (per NLCA 11.2.1c), since no formal mechanism for communities to provide feedback to the NPC has been provided since 2013." - Nunavut Association of Municipalities, January 13, 2017

"Under the present proposed timetable, communities have complained that they don't have the time or resources to do this final round of community consultations properly. The plan must also be redrafted to address many concerns that have been expressed about omissions and changes in

the 2016 draft. The public hearing process should be halted to allow this to take place.” – Letter to Andrew Nakashuk, NPC Chair from Senator Dennis Patterson, January 13, 2017

The Government of Canada has also expressed *"significant concerns"* with respect to the 2016 Draft NLUP, and has indicated that the draft requires *"substantial revision"* (see Government of Canada Comments and Recommendations on the 2016 Draft Nunavut Land Use Plan, January 24, 2017) before it should be considered final. Similarly, the Government of Nunavut states:

"The GN is concerned that the DNLUP may not be reflective of the full range of planning partner or public feedback provided to the Commission, concerning its 2014 DNLUP. Rather than mediating competing interests for certain critical issues, the DNLUP applies blanket precautionary protections, disproportionately impacting certain communities or regions. For this reason the GN asserts that if approved, as written, the DNLUP may have serious negative impacts to the territory's resource economy, thereby compromising the long-term socio-economic well-being of Nunavummiut." – Government of Nunavut's 2016 Draft Nunavut Land Use Plan Review, January 13, 2017

Communities have also expressed serious concerns about the process that has been followed to date and its compliance with the Nunavut Agreement. As stated by the Hamlet of Arviat:

"The Hamlet was encouraged to have been involved in consultations undertaken by the NPC in 2013 as such related to the earlier 2012 draft of the NLUP. Since that time, the Hamlet has not been approached by the NPC for particular input, nor have residents of the Hamlet been consulted on the two drafts that have been released since that time. While the Hamlet has been copied on correspondence relating to the ongoing development of the NLUP, it has not provided any technical or written comment. The Hamlet's participation in regard to the current draft NLUP released in June 2016 has been limited to its being invited to send participants to attend a regional Pre-Hearing Conference in Rankin Inlet in October; two delegates were selected and participated in the one-day meeting... Unfortunately, with no community consultation on this current draft of the NLUP and very little support from the NPC, the Hamlet has prepared and provided this submission for the NPC's consideration out of a sense of duty... This submission is limited, owing to the fact that it has been prepared by the Hamlet, and does not represent the perspectives of individual community members..." – Hamlet of Arviat Submission to the NPC - 2016 Draft NLUP, January 13, 2017

In correspondence dated December 8, 2016, Mayor Redfern of Iqaluit told NPC that:

"The City appreciates that NPC wants to complete and approve the Nunavut Land Use Plan within its stated schedule but if the majority of communities and key stakeholders are not fully engaged, confident or approve the Plan, then I would hope the Commission would reconsider, amend the schedule and extend the deadline for review and approve... At the November meeting, NPC referred to a "rationalization document" and we're wondering when this will be made available. It is very difficult for parties to comment on the current draft without knowing the rationale behind the changes from the 2014 land use plan... a lot of important and necessary land use information may be missing from the latest draft... The City has concerns about the schedule, hardcopies, translation, community capacity, Commissioner engagement, completeness and adequacy of the plan and conflicts." Ultimately, the capital of Nunavut was not able to make a substantive submission on the 2016 Draft NLUP within the timelines set by NPC, as Mayor Redfern explained in a letter to NPC dated January 30, 2017, "... it became abundantly clear and obvious that the community absolutely requires additional resources and assistance to develop a sufficiently accurate, complete and comprehensive submission to NPC about known and planned plus possible and hoped for activities, developments and/or projects in the reasonable foreseeable future."

The Chamber remains highly concerned about the significant and long-term negative impact that the 2016 Draft NLUP, as presently drafted, will have on mineral exploration and development in Nunavut, and the overall economic development of the territory for decades to come. The 2016 Draft NLUP ignores scientific evidence and does not reflect the engagement that NPC staff has had with the Chamber or with industry. The previously held workshops themselves have been facilitated with what appears to be a significant bias towards no economic development.

Advancing the 2016 DNLUP to the final public hearing stage without revising the draft to reflect the substantial consultation that has been undertaken since June 2016 does not respect the time and investment that all parties have put into this process to date. Therefore, it is the position of the Chamber that the 2016 Draft NLUP not be advanced and that the public hearings be postponed until after a revised Draft NLUP is presented, one that adequately balances economic, environmental and social priorities of Nunavummiut, as outlined in the Nunavut Agreement, Article 11.2.1:

"...social, cultural, and economic endeavours of the human community must be central to land use planning and implementation...the primary purpose of land use planning in the Nunavut Settlement Area shall be to protect and promote the existing and future well being of those persons ordinarily resident and communities of the Nunavut Settlement Area taking into account the interests of all Canadians."

2. The Chamber has significant procedural concerns with respect to the Qikiqtani Regional Informal Public Hearing as currently planned.

Article 11.2.1 (d) of the Nunavut Agreement states (in part) that, *"the public planning process shall provide an opportunity for the active and informed participation and support of Inuit and other residents affected by the land use plans, such participation shall be promoted through various means, including ready access to all relevant materials, appropriate and realistic schedules."*

The late notice change to a Regional Public Hearing, while more appropriate than a single Nunavut-wide hearing, has been confusing to all participants, and participants have not been granted *"ready access to all relevant materials"*. No documents have been posted to the public registry since the Notice of Change was issued. No update to the revised Direction on Procedure has been issued.

Further, we do not believe that an *"appropriate and realistic schedule"* has been given for the Qikiqtani Regional Informal Public Hearing. The Notice of Change did not give adequate notice and gives participants in the Qikiqtani Region only two weeks to prepare for this new format from a single Nunavut-wide final hearing to a series of regional public hearings. If the NPC intends to hold a final regional public hearing in the Qikiqtani Region on the 2016 DNLUP, we are of the view that for reasons of procedural fairness, the NPC must postpone the hearing and extend the notice period for individuals or companies in the Qikiqtani Region who may wish to participate.

The Chamber objects to the Qikiqtani Regional Informal Public Hearing agenda. The agenda was circulated too late to adequately assist participants in preparing for the hearing (March 3, 2017) and the structure of the agenda is not appropriate. As advised by the Government of Canada during the Pre-hearing conference in Iqaluit on September 27, 2016, *"the NPC should incorporate into the process opportunities to advance issues on a topic by topic basis"*. The agenda as presented is party by party, not topic by topic. We believe this will create a divisive process and will not provide the Commissioners with an appropriate understanding of the contrasting evidence that has been presented on the various topics.

Scheduling within the agenda is also prejudicial to industry. All industry members are slated to appear together on Saturday evening, March 25, 2017. This is an inappropriate placement and restricts industry's ability to participate effectively throughout the public hearing process.

No locations or agendas have been set for the Kivalliq Regional Informal Public Hearing in June 23 – 27, 2017 or in the Kitikmeot Regional Informal Public Hearing, October 24 – 27, 2017, which further impedes our ability to fully prepare and participate in the regional public hearing process.

In our view, the three regional "informal, oral public hearings" which were announced on March 3, 2017 should not proceed as public hearings but instead as workshops attended by the Commissioners. As noted above, a new Draft NLUP should be developed and circulated for comment prior to any final public hearings.

3. During all workshops and public hearings, the NPC should provide the opportunity to participate by teleconference, or at minimum, the opportunity to listen by teleconference.

NPC has the technical capacity to provide for teleconferencing. In our view, the NPC requirement that parties must be present in person in order to be heard will further reduce our members' ability to participate in the process. There is no practical reason why a teleconference line cannot be established to allow participation by all parties to the process. This restriction will have the effect of further reducing any opportunity for engagement by those who may be impacted by the NLUP but work or live outside of Iqaluit. At a minimum, NPC should establish a teleconference line so that interested persons outside of Iqaluit can listen in.

4. The NPC has not consulted adequately with industry and has not provided an adequate response to the concerns presented by industry and others within the DNLUP process to date.

There has not been an industry focused session or even a general session during the previous consultation period. The Chamber is concerned that its input in the process to date (in particular, with respect to expert and other evidence regarding caribou) appears to have been completely disregarded by NPC staff with no supporting rationale for doing so. The Kitikmeot Inuit Association has expressed similar concerns regarding the treatment of evidence within the 2016 Draft NLUP:

"Although we focussed on the west Kitikmeot Region, we believe the facts of this analysis applies to the Mainland caribou herds in the rest of the Kitikmeot region. KIA has a serious concern about the DNLUP 2016 regarding the static polygons proposed to protect caribou calving grounds on the mainland of the Kitikmeot region, and specifically the west Kitikmeot region. KIA believes that traditional knowledge, a scientific re-examination of the caribou collar data used by the Government of Nunavut (GN) to generate these polygons, and prior failed attempts to delineate caribou calving grounds with legal boundaries all demonstrate that the polygons provided by the Government of Nunavut (the "GN Polygons") to the NPC for the DNLUP 2016. We believe using the GN Polygons as a proposed method of protecting caribou calving grounds is fraught with problems and inaccuracies... One of the most important uncertainties in the DNLUP 2016 is whether there is any effect on caribou populations as a result of properly planned development. So far there is little evidence and scant scientific literature that a direct relationship exists. Observational evidence suggested that that mineral exploration and development has occurred in the West Kitikmeot region when large and increasing populations of caribou existed. In recent years there have been caribou population declines, on the mainland of the West Kitikmeot. This decline has occurred during one of the lowest levels of mineral development activity in the Kitikmeot region in decades. West of Kugluktuk there is no development and yet the Bluenose East herd is in decline. ... Caribou are central to the cultural identity of Kitikmeot Inuit. KIA believes in careful management of caribou and their calving grounds... The evidence provided in this submission regarding how fluid caribou calving grounds

are over space and time will make it apparent why KIA believes that mobile protection offers a far more effective means to manage caribou compared to delineated protected areas.” - Kitikmeot Regional Association, Final Hearing Written Submission for the 2016 Draft Nunavut Land Use Plan, January 13, 2017

The Municipality of Cambridge Bay notes,

"Sometime between 2014 and 2016, the NLUP changed the designation of caribou habitat from "Special Management Areas" to "Prohibited and Protected". The data for the Plan does not include any scientific evidence that links caribou decline with resource development when development is done correctly. This would be compromising the potential for development of other opportunities while not contributing to better caribou management measures... The protocols on marine transportation are already a solid process under Transport Canada, Northern Marine Services. Transport Canada has the expertise in this regard and should be the lead agency for marine traffic in the North." - Municipality of Cambridge Bay, Pre Hearing Written Submission, January 13, 2017

The NPC workshops, to date, have been neither helpful nor effective. We are dissatisfied with the facilitation that has been provided at the technical workshops and pre-hearing conferences and question the procurement process by which these services have been obtained. The facilitator is non-Nunavummiut, has demonstrated bias against industry, and actively limits the ability of some participants to speak candidly and without interruption.

We note, as well, that the NPC Chair and Commissioners have been largely publicly absent from the planning process. We are of the view that the Commissioners should attend regional consultation meetings as well as any subsequent final public hearings, with NPC staff acting as facilitator.

5. The 2016 DNLUP does not adequately take into account the natural resource base and existing patterns of natural resource use, or economic opportunities and needs, as required by the Nunavut Agreement.

As per section 11.3.1 of the Nunavut Agreement, a land use plan shall take "into account factors such as ... (b) the natural resource base and existing patterns of natural resource use" as well as "(c) economic opportunities and needs." The 2016 DNLUP does not adequately do so. As an example, the Kivalliq Inuit Association states that they "continue to have several concerns with the overall approach taken in the [2016] DNLUP" and that:

"Based on the 2016 DNLUP the Kivalliq Region will be impacted much more than other regions, with loss of 46% of its IOLs, which were negotiated for their mineral rights. In addition, if using only the 422,324 square kilometres that comprise the mainland portion of the Kivalliq Region (i.e. does not include Hudson Bay or the islands within) the recommendations of the 2016 DNLUP will eliminate 40% of this area from any form of economic development. This is a significant loss and will have a significant negative impact on future generations of Inuit and also the rest of Canada." - Kivalliq Inuit Association, Final Technical Review of the 2016 Draft Nunavut Land Use Plan, January 12, 2017

The Kitikmeot Inuit Association echoes:

"KIA believes that the GN Polygons designated as protected areas will have a significantly negative impact on KIA's membership and mandate. KIA's Board-approved mandate is "To Manage Kitikmeot Inuit Lands and Resources, and protect and promote the social, cultural, political, environmental, and economic well-being of Kitikmeot Inuit". The protected area status of the GN Polygons will significantly affect KIA choices for careful multiple use management of

Inuit Owned Lands, and prevent benefitting from carefully planned activities on federally owned lands in areas where caribou calving is not present, or present for only a short time in a year. Caribou calving only occurs for a brief period of the year, and banning carefully planned multiple uses so that caribou are not affected in these areas will affect KIA's socio-economic interests." - Kitikmeot Regional Association, Final Hearing Written Submission for the 2016 Draft Nunavut Land Use Plan, January 13, 2017

The Municipality of Cambridge Bay has stated, *"It is believed that the NLUP does not provide a balance between Economic Development opportunity, Conservation and Environmental Protection... The NLUP could be considered a blanket Land Use Plan. There is no accounting for the individuality of the Regional needs and priorities. Because of this, it is believed that the NLUP would have long term negative effect on the community residents and community development."* (see Pre Hearing Written Submission, January 13, 2017). These concerns are shared by the Kugluktuk HTO:

"This information to KIA, KHTO, and Hamlet of Kugluktuk that this NPC draft plan will hurt our future and your kid's future for Kugluktukmiut, we will have nothing left to do in our Nunavut lands... the KHTO is not in favor of this support, as there is too much restrictions for the Kugluktukmiut people." - Kugluktuk HTO submission, December 15, 2016

The Hamlet of Arviat raises similar concerns with respect to *"overall balance among competing interests on important issues"*:

"As the NPC has failed to consult with our community on the two most recent versions of the NLUP and related revisions to the 2012 draft, the Hamlet cannot assume that the NPC has provided for sufficient balance between competing interests on important issues affecting Arviarimut. For instance, areas of high mineral potential that also overlap with important caribou and other wildlife habitat may be subject to proposed restrictions on development. In many cases, this may be an appropriate approach, and one that could be supported by our community. However, community input relating to a particular area may, in other circumstances, indicate that development should be allowed, regardless of implications to wildlife, and that economic development should be prioritized. As it has not consulted with community members on this version of the Plan, the NLUP, including its approach to balancing proposed interests is, in the opinion of the Hamlet, inadequately informed as it concerns areas near Arviat and within the Kivialliq region." - Hamlet of Arviat Submission to the NPC, 2016 Draft NLUP, January 13, 2017.

In the Chamber's view, the 2016 Draft NLUP is already negatively affecting investment in the Nunavut economy. The territory must do all it can to regain investor confidence. Natural Resources Canada's latest report *Exploration and Deposit Appraisal Expenditures, by Province and Territory* projects that exploration investment in Nunavut continues to decrease. Despite the tremendously strong mineral potential in this region, the tide of investment leaving Nunavut has yet to turn. The *2016 Fraser Survey of Mining Companies* paints Nunavut as one of the slowest provinces to permit and with substantially the highest level of regulatory uncertainty. Over 80% of respondents indicated that uncertainty about the administration, interpretation, and enforcement of existing regulations is a deterrent to investment in Nunavut; A total of 72% of respondents stated that, to some degree, uncertainty over which areas will be protected as Wilderness, Parks, or Archeological Sites is a deterrent to them investing in Nunavut.

Nunavut is suffering from a land use planning process that threatens mineral investment, both on Crown and Inuit owned land. If approved, the 2016 Draft NLUP will have a serious impact on the Nunavut and Canadian resource economy, with little to no corresponding environmental or social benefit.

6. Conclusion

Despite its deep concerns, given the importance of the land use planning process to the future of Nunavut, the industry and our workers, the Chamber intends to attend each of the public hearings currently scheduled in the Qikiqtani, Kivalliq and Kitikmeot regions. The Chamber may read statements on behalf of its members that have been granted standing at each of those hearings but cannot attend in person.

The Chamber notes that, "*The values underlying the duty of procedural fairness relate to the principle that the individual or individual affected should have the opportunity to present their case fully and fairly, and have decisions affecting their rights, interests or privileges made using a fair, impartial and open process, appropriate to the statutory, institutional and social context of the decisions.*"¹ In the Chamber's view, the process that has been followed to date fails to meet this very high standard as well as the standard of the Nunavut Agreement.

The Chamber will continue to work with the NPC and others to try to find a constructive resolution to these planning challenges. As the NPC has noted throughout this process, the final NLUP will reflect a compromise between participants. However, we believe that with changes to the process and a further revision of the 2016 DNLUP prior to holding any regional public hearing, there remains an opportunity to address the serious concerns that have been expressed by numerous key participants and to develop a land use plan which better reflects the priorities and values of those that live and work in Nunavut.

Sincerely,

The NWT & Nunavut Chamber of Mines



Gary Vivian
President

cc Ms. Aluki Kotierk, President of Nunavut Tunngavik Incorporated
Mr. Stanley Anablak, President of Kitimeot Inuit Association
Mr. David Ningeongan, President of Kivalliq Inuit Association
Mr. P.J. Akeegok, President of Qikiqtani Inuit Association
The Honourable Peter Taptuna, Premier of Nunavut Legislative Assembly
The Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs
The Honourable Dennis Patterson, Senator for Nunavut
The Honourable Monica Ell-Kanayuk, Minister of Economic Development and
Transportation and Minister of Mines
MP Hunter Tootoo, MP for Nunavut
Mr. Brian Fleming, Executive Director of the Nunavut Association of Municipalities
Mayor Madeleine Refern, City of Iqaluit
Hamlet of Cambridge Bay
Hamlet of Arviat
Kugluktuk Hunters and Trappers Organization
Ms. Sharon Ehaloak, Executive Director of the Nunavut Planning Commission
Mr. Percy Kabloona, Commissioner of the Nunavut Planning Commission
Mr. Peter Alareak, Commissioner of the Nunavut Planning Commission

¹ *Baker v. Canada (Minister of Citizenship & Immigration)* 2 SCR 817 at para. 21-28.

Mr. Ovide Alakanauruk, Commissioner of the Nunavut Planning Commission

By Email and Mail

March 22, 2016

Ms. Sharon Ehaloak
Executive Director
Nunavut Planning Commission
P.O. Box 2101 Cambridge Bay, Nunavut
X0B 0C0

Dear Ms. Ehaloak:

Re: Government of Canada (GoC) recommendations that the Nunavut Land Use Plan provide for “additional grandfathering” of existing mineral rights beyond the provisions of the *Nunavut Planning and Project Assessment Act (NUPPAA)*

Nunavut Tunngavik Inc., (NTI) President Cathy Towtongie wrote to the Nunavut Planning Commission (NPC) on January 29, 2016, setting out NTI's general intentions, and associated timelines, for the clarification of its positions with respect to key outstanding issues surrounding the current Draft Nunavut Land Use Plan (DNLUP). In association with regional Inuit organizations, NTI is now pursuing that work.

During the Caribou Technical Meeting, NPC requested that NTI provide its written submission by May 16, 2016. NTI will endeavour to meet this request.

Most of the key outstanding land use planning issues are entirely matters of policy choice. It has become apparent, however, that one outstanding issue --- the extent to which a NLUP can provide for “additional grandfathering” of existing mineral rights beyond the provisions of the *NUPPAA* --- raises fundamental jurisdictional questions that must be addressed prior to policy choices about that matter being reliably made.

I am confident that, with early and appropriate efforts, jurisdictional questions surrounding “additional grandfathering” can be effectively addressed without extending the timelines described in President Towtongie’s letter.

Jurisdictional questions as to additional grandfathering became apparent in the recommendations made by the GoC to the NPC on June 19, 2015 in their technical submission, that the next draft NLUP exempt land uses based on pre-existing mineral tenures from the prohibitions that apply in the Plan's protected areas. NTI and other planning participants had questions about these recommendations, and, in particular, asked the GoC to explain their jurisdictional foundation.

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Page 2... cont'd

On December 10, 2015, the GoC circulated a draft paper entitled “clarification of existing rights,” prepared in order to “clarify the Government of Canada's position” and “promote further dialogue.” This paper suggested a level of additional grandfathering wider than set out in the June 19 recommendations. These new recommendations call for additional grandfathering from the NLUP along the following lines:

- exemption from the effect of any requirement of the land use plan, whether the requirement is a prohibition on a land use or a term or condition on a permitted land use;
- exemption available exclusively to holders of any existing mineral interest, whether the interest is a prospecting permit or staked claim on which the minimum work required by legislation had been performed, a lease supporting a working mine, or an intermediate interest;
- exemption applicable not only to land uses undertaken, proposed or authorized before the land use plan is approved, but to any future modification of such uses in the location of the pre-existing mineral interest or any successor interest;
- exemption applicable also to any future land use elsewhere – such as a road, port, marine seismic program or marine shipment route – that is “ancillary” to the mineral use in the sense that (1) the economic viability of developing the mineral interest depends on the separate land use and (2) the project cannot be carried out otherwise in a NLUP-conformant manner.

The GoC suggests that such additional grandfathering “may cause ... a “potential staking rush” and suggests that “a pre-set-date” for the exemption could be considered accordingly.

NTI undertook to examine the GoC's recommendations. We have now done so. NTI continues to have first order concerns about the jurisdictional foundation and legal viability of the GoC's recommendations.

Primarily, NTI questions whether the GoC's additional grandfathering recommendations reflect the intent of Parliament when Parliament undertook to meet the Crown's duty to set out “all substantive powers [and] functions” of the NPC in statute (s. 10.2.1, *Nunavut Agreement*), by enacting *NUPPAA* in 2013.

As the NPC requested when *NUPPAA* was developed, *NUPPAA* provides its own, statutory exemptions of pre-existing uses from requirements of land use plans and from *NUPPAA*'s related implementation measures. This sets *NUPPAA* apart from the *Mackenzie Valley Resource Management Act* and in line with typical provincial planning statutes in Canada.

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Page 3... cont'd

In this context, it is unclear whether *NUPPAA* authorizes the NPC to exempt any uses of land from the requirements of a land use plan, except when issuing minor variances after the plan is approved. Consistently with the *Nunavut Agreement*, *NUPPAA* specifically authorizes the responsible Minister to exempt land uses from land use plan requirements after the plan is approved, on a case by case basis. The Act also authorizes the Governor in Council, with the consent of NTI, to exempt classes of land use from the definition of “project,” hence from all of the Act’s related requirements. All such exemptions are provided for in a scheme that leaves the NPC wide latitude to design prohibitions on land use and terms and conditions for permitted use that take into account all interests that Inuit, other Nunavummiut and other Canadians have in mineral development and other uses of Nunavut lands and resources.

Given the provisions for exemptions in *NUPPAA*, it is uncertain that this statutory scheme provides a “minimum” set of exemptions which the NPC may supplement with a wide range of additional grandfathering measures up to and including ancillary projects.

In light of these reservations, and considering the NPC’s exclusive responsibility to develop land use plans in accordance with its statutory mandate, it is incumbent on the NPC to take hold of this issue to facilitate its resolution. To that end, NTI proposes that, as soon as possible, the NPC retain outside legal counsel having expertise in the field, with a view to preparing and circulating an independent legal opinion, on the following two questions:

- 1) whether the NPC possesses statutory authority to develop a land use plan that would exempt uses of land from the plan’s requirements, over and above the exemptions provided in *NUPPAA*, and
- 2) if so, having regard to the GoC’s current recommendations, what are the limits, if any, on such statutory authority?

In making this proposal, NTI notes that, given the complexity and subtlety of a number of matters that concern the jurisdiction of the Institutions of Public Government (IPGs) created by the *Nunavut Agreement*, the practice of commissioning and circulating independent legal opinions on salient issues of special importance, particularly matters pertaining the breadth and scope of an IPG’s authority as sourced in the *Nunavut Agreement* and as may be modified by implementation legislation, can be very helpful. The Nunavut Wildlife Management Board has made effective use of that practice in the past.

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Page 4... cont'd

NTI is mindful of the timetable under discussion for moving the draft NLUP forward towards a public hearing stage, and believes that a timely independent legal opinion is likely to facilitate, rather than delay, that effort.

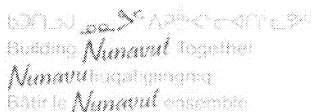
NTI looks forward to the NPC's reply at its earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arreak', with a stylized flourish above it.

James T. Arreak,
Chief Executive Officer

C.c: David Rochette, Regional Director General, Nunavut Regional Office, Indigenous and Northern Affairs Canada
David Akeeagok, Deputy Minister, Executive and Intergovernmental Affairs, Government of Nunavut
Navarana Beveridge, Executive Director, Qikiqtani Inuit Association,
Paul Emingak, Executive Director, Kitikmeot Inuit Association
Gabriel Karlik, A/Executive Director, Kivalliq Inuit Association



Tuglia Ministam, Avatiliqiyikkut

Deputy Minister, Department of Environment

Sous-ministre, Ministère de l'Environnement

May 10, 2017

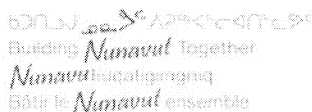
Dear Mr. Nakashuk:

RE: Regional Public Hearings for the 2016 *Draft Nunavut Land Use Plan*

I would like to thank the Nunavut Planning Commission (the "Commission") staff for its efforts in organizing the recent Qikiqtani Public Hearing (the "Qikiqtani Hearing") for the *2016 Draft Nunavut Land Use Plan* (the "2016 DNLUP"). The task before the Nunavut Planning Commission in developing a territory-wide land use plan is monumental and unprecedented. This past Qikiqtani Hearing was an important milestone in this planning process, signaling that an approvable Nunavut Land Use Plan ("NLUP") may be successfully developed in the near future.

The timely approval of the 2016 DNLUP is a Government of Nunavut priority, but we can only support an NLUP which aligns with our policies, and which benefits the long-term well-being of Nunavummiut. Nunavut Agreement, Article 11, Land Use Planning is an important component of our Territory's broader regulatory system. The approved NLUP should foster regulatory certainty within the Territory by proactively resolving land access conflicts between Nunavummiut and project proponents, but only in a manner which is appropriately scoped for this first generation NLUP. As you are aware, the Government of Nunavut has serious concerns regarding the 2016 DNLUP. We disagree with the Commission's approach to certain issues, particularly caribou habitat zoning, and the resultant prohibitions to development; prohibitions which appear to be either insufficiently supported by the Commission's consultation record or poorly rationalized in the Commission's *2016 Options and Recommendations* document.

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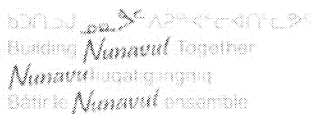
Tuglia Ministam, Avatiliqiyikkut

Deputy Minister, Department of Environment

Sous-ministre, Ministère de l'Environnement

- All participants should be allotted time to briefly introduce themselves and their key interests or recommendations for the 2016 DNLUP, prior to NPC's introductory presentation;
- The NPC's introductory presentation on its 2016 DNLUP did not allow for in-depth discussion regarding known outstanding DNLUP issues. The NPC should consider ways to integrate issue-specific dialogue after objectively presenting potential solutions to DNLUP issues (drawing from January 2017 technical submissions);
- Questions from the Commission to participants should be provided on the Commission's website well in advance of the next hearing, and should not dominate hearing time allowances. Should the Commission pursue cross examination style questioning, participants will also pursue similar questioning of the Commission;
- Timeslots for discussion or roundtable questioning should be primarily focused on soliciting meaningful community delegate feedback on the 2016 DNLUP proposed restrictions;
- Agendas with hourly windows should be provided well in advance of the hearings;
- Commissioners should endeavor to keep discussions on-topic, productive, unbiased, and non-defensive;
- Commissioners should refrain from commenting at length on evidence or testimony provided by presenters;
- Accurately portray 2016 DNLUP land use designations such that 'Protected Areas' and 'Special Management Area's' are both forms of protection that include year round and seasonal activity restrictions, respectively; and
- Commission staff should refrain from continually referencing plan amendment processes as a means for resolving outstanding NLUP conflicts, particularly without providing a clear overview of the Commission's procedures for implementing plan amendments.

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Tuglia Ministam, Avatiliqiyikkut

Deputy Minister, Department of Environment

Sous-ministre, Ministère de l'Environnement

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We are confident you will take these recommendations into consideration, and look forward to the next steps towards an approved 2016 DNLUP.

Sincerely,



David Akeeagok
Deputy Minister of Environment
Department of Environment
Government of Nunavut

C James T Arreak, Chief Executive Officer, Nunavut Tunngavik Incorporated
Steven Vandine, Assistant Deputy Minister, Indigenous and Northern Affairs
Canada



January 18 – 22, 2016

Rankin Inlet, Nunavut

Siniktarvik Hotel and Conference Center, Salon A/B

Date: December 18, 2015

Pursuant to section 11.5.4 of the Nunavut Land Claims Agreement (NLCA) and section 51 of the *Nunavut Planning and Project Assessment Act* (Canada) (NUPPAA), the Nunavut Planning Commission (NPC) will conduct a Public Hearing on the Draft Nunavut Land Use Plan (DNLUP), tentatively scheduled for November 21 to 27, 2016, in Iqaluit at a location that has yet been determined. The NPC will issue further public notices on additional procedural steps and timelines that will take place prior to the Public Hearing, including dates for the filing of documents, written submissions and responses, arguments, and the final date, time and location of the Public Hearing.

Participants' technical experts are invited to attend an in-person Technical Meeting from January 18 – 22, 2016 at the Siniktarvik Hotel and Conference Center, Salon A/B: Rankin Inlet, Nunavut. Pursuant to rule 20.1 of the NPC's *Rules of Procedure for Public Hearings and Public Reviews* as amended on July 8, 2015 (*RPHPR*), participants and the NPC will discuss whether documents filed with the Commission relating to a proceeding contains the information necessary to proceed to a hearing, and will review and discuss available information prior to a hearing including, but not limited to:

- options for potential refinements to the DNLUP developed in consideration of participants' previous submissions;
- informational requirements for supporting land use designations requested by participants; and
- retaining experts and submission of expert reports by the NPC and participants.

An agenda for the workshop, and a document presenting options for potential refinements to the DNLUP will be distributed to participants shortly.

Participants are asked to confirm attendance at the Technical Meeting, including anticipated number of attendees, by January 11, 2016, unless this information has already been provided.

For a copy of the NPC's amended *RPHPR*, to obtain more information on participating, to review the public record of proceedings or for other related information, please contact the NPC at the addresses below:

- Jonathan Savoy at jsavoy@nunavut.ca; or
- Nunavut Planning Commission, P.O. Box 2101, Cambridge Bay, Nunavut X0B 0C0; Phone: 867-983-4625 | Fax: 867-983-4626 | Website: <http://www.nunavut.ca>



May 18 – 22, 2016

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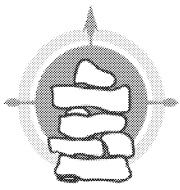
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ILITTUQHIIYUT UUKTUQTAKHANUT NUNAVUT NUNANIK ATUQTAKHANUT PARNAUTIKHAT PINGAHUAT QAUYIHAIYUNIT MIITIQTUNUT

Januali 18 – 22, 2016

Kangiqhiniq, Nunavut

Siniktarvik Hiniktarvik Katimavik, Salon A/B

Ublua: Dissaipa 18, 2015

Maligaunmi ilangani 11.5.4 ukunani Nunavut Nunatararviup Angirunmi (NLCA) ilanganilu 51 ukunani *Nunavut Parnaiyainut unalu Havaariyauyukhaq Qauyihaiyunut Maligaq* (Kanatami) (NUPPAA), Nunavut Parnaiyaiyit (NPC) katimapkainahuaqtut Kavamaliqinikhamut Tuhaumayakhait ukunani Uuktuqhimayainnit Nunat Atuqtaunikhainut Parnaiyautit (DNLUP), katimayukhaugaluqaqtut Nuvaippa 21 mit 27 mut 2016 mi, Iqaluinmi katimavikhait huli naunaiyaqhimaittut. NPC-kut naunaipkarahuaqtut kavamanut naunairvikhait ilagihimayait inikhautikhait ikarrvikhangillu Kavamanut Tuhaumapkaqtinnatik, ublukhaillu titiqqainut, titirariiqhimayut turaarvikhait kiuvikhangillu aivaqattautihimayangillu, kinguani ublukhait, humiliqaak qakuguliqaak Kavamanut Tuhaumavikhangit.

Ilauhimayut qauyiharnigut ayuittunut ilautquyauyut katimalutik ukunani Qauyihauktukhanut Katimayunut uvani Januali 18 mit 22 mut, 2016 mi uvani Siniktarvik Hiniktarvingmi Katimavingmilu, Salon A/B: Kangiqhiniq, Nunavut. Maligaunmi maliktaktait 20.1 haffumani NPC'p *Maliguarutait Uuktuutainit haffumani Kavamaliqinikkut Tuhaumayakhait Kavamaliqinikkut Qimilruqtakhait* nutaannguqtiqtauhimayut uvani Julai 8, 2015 mi (RPHPR), ilauqatauyut unalu NPC lu katimadjutigihunnguyaatah apkuat titiqqait tutquqtukhauyaamini ukunani Parnaiyunit ilagiyangit pilihaaqtakhanut naunaitkutit tuhaumagiakhaq, qimilrugiamilu niplautigilugulu naunairvikhait kavamanut tuhaumapkaqtinnatik, kihinnugulaittunillu:

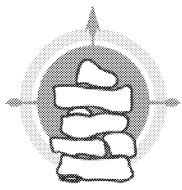
- huliyakhait ihumagiyaugumik ihuaqhaiffaarnirnut ukunani DNLUP havakhimataaqtunit ihumaliuqtangit ilauqatauhimayunut hivuani kiutqaaqhimayaraluangit;
- ilittuqhiiyangit kiudjutaa ikayuutauyut nunat aturnikhainirnut tikkuqaqtauhimayut tukhiutaugaluqaqtangit ilauhimayunut; unalu
- ilitturilraangat ayuittunut unalu turaarvigiyangit ayuittunut unipkaariyangit haffumani NPC nit ilauhimayunullu.

Hamna katimadjutit katimavikhait, unalu titiqqait takugakhait ihuaqhaitaarningit ukunani DNLUP tuniyauniaqtut ilaunahuaqtunut qanilrumi.

Ilaugataunahuaqtut apiriyauyut katimaqatauniarumik uqariiriaqaqtut Qauyiharnikhanut Katimayukhat, ilaginahuarlugillu qaffiungmangaat ilauqatauniarumik, Januali 11, 2016 nguqtinnagu, kihiani hamna naunaiyautauyuq ilaliutauyuq.

Aadjiliugainit haffumani NPC'p nutaannguqhimayangit RPHPR, ilittuqhittiarumaguvit ilauqataunirnut, qimilrurianganilu kavamainut titiqqait katimadjutikhait haffumaniluniit naunairutaanit, hivayainnarialik NPC uvani turaarutaani ataaniittumi:

- Jonathan Savoy uvani jsavoy@nunavut.ca; uvanilluunniit
- Nunavut Parnaiyaiyit, Titiiqqivinga 2101, Iqaluktuuttiaq, Nunavut X0B 0C0; Hivayautaa: 867-983-4625 | Kayumiktukkut: 867-983-4626 | Qaritauyakkut Turaarvutaa: <http://www.nunavut.ca>



AVIS DE TROISIEME REUNION TECHNIQUE SUR LE PLAN PROVISOIRE D'AMENAGEMENT DU TERRITOIRE DU NUNAVUT

Du 18 au 22 Janvier 2016

Rankin Inlet, Nunavut

Hôtel Siniktarvik et Centre de Conférence, Salon A/B

Date: 18 Décembre 2015

Conformément à la section 11.5.4 de l'Accord sur les *Revendications Territoriales du Nunavut* (ARTN) et la section 51 de la *Loi sur l'Aménagement du Territoire et l'Évaluation des Projets du Nunavut* (Canada) (ATEPN), la *Commission d'Aménagement du Nunavut* (CAN) tiendra une audience publique sur le *Projet du Plan d'Aménagement du Territoire du Nunavut* (PATN), provisoirement prévue du 21 au 27 Novembre 2016 à Iqaluit dont le lieu n'a pas encore été déterminé. La CAN émettra d'autres avis publics sur les délais et mesures procédurales supplémentaires qui auront lieu avant ladite audience, y compris les dates pour le dépôt des documents, observations écrites et réponses, arguments, et la date limite, l'heure et lieu de l'audience.

Les experts techniques sont invités à assister à la réunion technique du 18 au 22 Janvier 2016 à l'Hôtel Siniktarvik et Centre de Conférence, Salon A/B (Rankin Inlet, Nunavut). Conformément à la Règle 20.1 des *Règles de Procédure des Audiences Publiques et des Examens Publics* (RPAPEP) de la CAN telle que modifiée le 8 Juillet 2015, les participants et la CAN examineront si les documents relatifs à la procédure, déposés auprès de la Commission, contiennent les informations nécessaires pour la tenue d'une audience, ils passeront en revue et discuteront des informations disponibles avant l'audience, y compris, mais sans se limiter à:

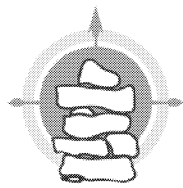
- Les options d'améliorations potentielles du PATN développées qui prennent en compte les soumissions antérieures des participants ;
- Les informations requises sollicitées par les participants pour soutenir les désignations relatives à l'aménagement du territoire;
- Les experts retenus et la présentation des rapports des experts par la CAN et les participants.

Un ordre du jour de l'atelier de travail et un document présentant les options pour des améliorations potentielles du PATN seront bientôt distribués aux participants.

Il est demandé aux participants de confirmer leur présence à la réunion technique, y compris leur nombre prévu au plus tard le 11 Janvier 2016, à moins que cette information ait déjà été fournie.

Pour obtenir une copie de la version modifiée de la RPAPEP de la CAN, avoir plus amples renseignements sur la participation, examiner le dossier public des procédures ou pour toutes autres informations y relatives, bien vouloir contacter la CAN aux adresses suivantes:

- Jonathan Savoy: jsavoy@nunavut.ca ; ou
- Commission d'Aménagement du Nunavut, Boîte postale: 2101, Cambridge Bay, Nunavut X0B 0C0; Téléphone: 867 983 4625. Télécopieur: 867 983 4626. Site internet: <http://www.nunavut.ca>



NOTICE OF DIRECTION ON PROCEDURE AND OTHER DOCUMENTS SUMMARIZING PROCESSES FOR PUBLIC HEARING ON DRAFT NUNAVUT LAND USE PLAN

Date: October 12, 2016

From September 27 to 29, 2016, a pre-hearing conference was held for all participants in the Nunavut Planning Commission's (**NPC**) process for completing the Draft Nunavut Land Use Plan (**DNLUP**). NPC staff summarized the feedback received by participants in a report adopted by the Commissioners, and on October 7, 2016, the Commissioners of the Nunavut Planning Commission met to decide on the procedures and process to be used at the public hearing on the DNLUP.

The Commissioners noted a need to broaden the interpretation of rules to allow participants to participate in informal hearings and provide evidence without unnecessary formalities, and to provide a manageable process for the approximately one hundred participants involved in the process. In accordance with rules 4.2 to 4.4 of the NPC's *Rules of Procedure for Public Hearings and Public Reviews (RPHPR)*, the Commissioners have issued a Direction on Procedure, dated October 7, 2016, which provides the deadlines and formal requirements for documents to be translated by participants and filed with the NPC and served on other participants, and which supplements, varies, and dispenses with certain rules contained in the NPC's *RPHPR*. The Direction on Procedure also sets out the order of events and processes to be used at the final public hearing. A copy of the Direction on Procedure is being distributed to participants with this notice, and is available at:

http://www.nunavut.ca/files/2016-10-07_NPC_Direction_on_Procedure_-_DNLUP_Public_Hearing.pdf

Due to the number of participant presentations expected to be made at the public hearing, the Commissioners directed NPC staff to inquire whether participants with shared interests will agree to make joint oral submissions as a coalition in which they may pool their time. A letter to participants proposing forming coalitions to make joint oral submissions will be distributed shortly. The Commissioners also adopted the following documents being distributed with this notice prepared by Commission Staff summarizing important steps, processes and timelines set out by the Commissioners in the Direction on Procedure:

1. A Timeline for Development of the Nunavut Land Use Plan dated October, 2016, available at:
http://www.nunavut.ca/files/2016-10-07_Timeline_for_Development_of_NLUP.pdf
2. Order of Events at the Public Hearing, dated October 7, 2016, available at:
http://www.nunavut.ca/files/2016-10-07_Order_of_Events_-_DNLUP_Public_Hearing.pdf

A copy of the Summary of Draft Nunavut Land Use Plan Pre-Hearing Conference report is available at:

http://www.nunavut.ca/files/2016-10-07_Summary_of_Draft_Nunavut_Land_Use_Plan_Pre_Hearing_Conference.pdf

The NPC will issue further public notices on additional procedural steps that will take place prior to the Public Hearing, including dates for the filing of documents. Documents are posted on the NPC website and available for download at: www.nunavut.ca. For a copy of the RPHPR, to review the public record of proceedings, or for other related information, please contact:

Jonathan Savoy, jsavoy@nunavut.ca; Nunavut Planning Commission, P.O. Box 2101 Cambridge Bay, NU X0B 0C0; Phone: (867) 983-4632 | Fax: (867) 983-4626 | Website: <http://www.nunavut.ca>



PUBLIC HEARING ON DRAFT NUNAVUT LAND USE PLAN—DIRECTION ON PROCEDURE:

PROCEDURES FOR FINAL PUBLIC HEARING

Date: October 7, 2016

Pursuant to the Nunavut Planning Commission's (NPC) *Rules of Procedure for Public Hearings and Public Reviews (RPHPR)*, and recognizing the Inuit traditions regarding oral communication and decision making, the NPC makes the following Directions on Procedure for its Public Hearing of the 2016 Draft Nunavut Land Use Plan (DNLUP). The RPHPR provides for Directions on Procedure as follows:

- 4.2 Where any procedural matter relating to proceedings is not provided for in these rules, the Commission may at any time give directions governing the procedure to **supplement these rules** that it considers necessary for the fair determination of an issue.
- 4.3 **On its own initiative** ...the Commission may, with or without a hearing, **issue any direction on procedure to dispense with or vary any part of these rules that it considers necessary for the fair determination of an issue.**
- 4.4 Where there is a conflict between any rule and any direction on procedure issued by the Commission, **the direction on procedure prevails over the rule.**

[emphasis added]

The Commission hereby directs:

1. The following deadlines for filing, service, and giving notice of documents, which unless noted otherwise participants must translate in their entirety into English, French, Inuktitut and Innuinaqtun (all documents filed with the Commission will be made public in its public record posted on the Commission website), shall apply:
 - a. **Tuesday November 15, 2016, 5:00 pm Eastern:** Deadline for expert reports (only executive summaries need be translated) to be put before the Commissioners at the Public Hearing, to be filed with the Commission and served on other participants in accordance with the *RPHPR*;
 - b. **Thursday December 15, 2016, 5:00 pm Eastern:** Participants may provide expert reports (only executive summaries need be translated), as response to reports submitted November 15, 2016, to be filed with the Commission and served on other participants in accordance with the *RPHPR*;
 - c. **Friday January 13, 2017, 5:00 pm Eastern:** Participants to file digital copies of written submissions on DNLUP, written evidence, or other materials to be relied upon in Final Public

Hearing (excluding expert reports), translated in their entirety, and serve on other participants in accordance with the *RPHPR*;

- d. **Wednesday February 1, 2017, 5:00 pm Eastern:** Notwithstanding rule 39.1, participants notify the Commission of all documents they will refer to in oral submissions at the public hearing and file translations of all excerpts from any previously filed untranslated documents that they will be referring to (including untranslated excerpts from expert reports) and serve on other participants in accordance with the *RPHPR*;
 - e. **Tuesday February 28, 2017, 5:00 pm Eastern:** Notwithstanding rule 39.1, Commission will provide participants audio/visual presentation aides to be used by Commission staff at Public Hearing, participants to file any audio/visual presentation aides with the Commission, and serve on other participants in accordance with the *RPHPR*;
 - f. **Monday March 6, 2017, 5:00 pm Eastern:** Participants to deliver to the Commission's office in Iqaluit, NU, hard copies of all documents participants intend to use at the public hearing as set out in paragraph 8 below;
 - g. **Tuesday March 7, 2017, 5:00 pm Eastern:** Participants to submit in writing any questions for Commissioners to ask Commission staff at the public hearing in their discretion, and serve on other participants in accordance with the *RPHPR*; and
 - h. **Friday April 21, 2017, 5:00 pm Eastern:** Participants to file written arguments proposing findings of fact and conclusions of law, or both, pursuant to rule 48.1.
2. The definition of "document" in rule 2.2(g) be read to include photographs, film, any record of permanent or semi-permanent character, and information recorded or stored by means of any device.
 3. The definition of "evidence" in rule 2.2(i) be read to include documents or other physical objects.
 4. The definition of "informal hearing" in rule 2.2(l) be read broadly to allow all participants to make their views known in the proceeding and not only interested persons and Elders to present their views on a project proposal, as follows: "'informal hearing' means an oral hearing involving an open forum community meeting held primarily to allow participants, interested persons and Elders the opportunity to communicate their views about the proceedings in an informal environment;"
 5. Rule 4.1 requiring a "fair, large and liberal construction" as best ensures the "just, expeditious and fair hearing of public reviews" shall be interpreted to apply to all "proceedings" subject to the *RPHPR*.
 6. Rule 7.2 shall not be interpreted as an exhaustive list of factors the Commission considers, and the Commission shall also take into account relevant factors, policies, priorities, objectives and goals including those set out by the Agreement, the *Nunavut Planning and Project Assessment Act (NUPPAA)*, and policies developed by the Commission under Article 11, Part 2 of the Agreement, or otherwise.
 7. Any motions brought under section 9 of the *RPHPR*, which applies to the public hearing proceedings on the DNLUP, should be made prior to the public hearing and be brought in a timely way, be translated into English, French, Inuktitut and Innuinaqtun unless otherwise directed by the Commission, and:
 - a. notwithstanding rules 9.1, participants are not required to serve motions on other participants but shall instead file motions with the Executive Director of the Commission who will provide copies to all participants at least 7 days before the Commission considers the motion, and who will request any written responses at least 4 days before the motion is to be considered; and
 - b. notwithstanding rule 9.2, a written motion need not be accompanied by a sworn affidavit and the motion should simply indicate the decision or order sought, include a clear, concise statement of the facts supporting the motion and any supporting documents, and the reasons why the decision or order should be made.

8. Under Rule 13.4, participants must deliver to the Nunavut Planning Commission's office at PO Box 1797, Iqaluit, NU, X0A 0H0 to the attention of the Executive Director the following number of hard copies of all documents and excerpts to which they intend to refer at the public hearing:
 - a. 60 copies English;
 - b. 20 copies French;
 - c. 20 copies Innuinaqtun; and
 - d. 100 copies Inuktitut.

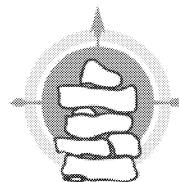
Except for written submissions which must be produced in their entirety, any documents greater than 10 pages in length need not be reproduced in their entirety and only copies of those pages a participant will refer to during the hearing must be provided.

9. Unless otherwise directed, affidavits will not be requested under rule 13.5.
10. Further to rule 13.6 of the PRHPR and pursuant to the Commission's *Policy on Translation* contained in Appendices K and L of the Keewatin Regional Land Use Plan and North Baffin Regional Land Use Plan respectively, for the purpose of ensuring full participation in the public hearing and in accordance with the Commission's obligations under section 37 of the *NUPPAA* to hold public hearings in both official languages and in Inuktitut and Innuinaqtun:
 - a. Participants shall translate their submissions to the Commission, including all written evidence, presentations, any documents a participant wishes to file or refer to in the public hearing, and written arguments if any, into English, French, Inuit and Innuinaqtun in their entirety, except for expert reports which need not be translated in their entirety but must contain an executive summary translated into English, French, Inuit and Innuinaqtun;
 - b. Documents submitted prior to the date of this Direction on Procedure need not be translated into French, English, Inuit or Innuinaqtun in their entirety, however participants who wish to refer to any document previously filed with the Commission that has not already been translated, including any untranslated excerpts of expert reports, must provide translations of the relevant excerpts of the document;
 - c. Participants who wish to refer to any document filed with the Commission must cite each linguistic version of the document;
 - d. Unless otherwise directed, as of the date of this direction on procedure, documents and excerpts that have not been translated will not be considered filed with the Commission until received in French, English, Inuit and Innuinaqtun, will not be considered "served" on other participants, and may be disregarded by the Commission in the public hearing;
 - e. All translations must be accompanied by a statement by the translator(s) that he, she, or they are fluent in the languages and dialects used to translate the documents (English, French, Inuit and Innuinaqtun, as the case may be), and that the translated versions are an accurate translation of the original; and
 - f. In accordance with the Commission's Policy on Translation and rule 13.6 of the *RPHPR*, participants who are individuals are not required to provide translations in the manner provided above and may participate and make submissions in either French, English, Inuit or Innuinaqtun as they so choose, and the Commissioners may waive these translation requirements for any participants who can demonstrate a lack of resources, a shortage or lack of access to adequate translation services, or other hardship that following these translation requirements would cause.
11. Further to rules 14.2 and 14.4, participants are encouraged to serve all documents requiring service on other participants' appointed representatives, but where a participant has the information technology, equipment, software and processes for receiving or retrieving the document and has provided an e-mail

address or fax number for themselves but not for their appointed representative(s), documents may be served directly on such participants by electronic means and participants shall deliver all documents served on them to their representative(s). In all cases of electronic transmission of documents in accordance with the *RPHPR*, service is effective when the person transmitting the document receives an electronic acknowledgement of the transmission.

12. For clarity, the reference to "parties" in rule 23.13 shall be interpreted as referring to parties who have given notice to participate, as distinct from parties who are not participants and interested persons granted standing.
13. The second rule numbered 25.1 in the *RPHPR*, which reads: "In deciding the issues to be considered in a hearing, the Commission may request information from any participant", shall be renumbered as rule 25.2.
14. Notwithstanding any rule in the *RPHPR* including but not limited to rule 25.1 and 45.1, the statement of issues developed under rule 25.1 is intended to contribute to a fair, just and expedient hearing, focus discussion at the public hearing, ensure the Commissioners benefit from a thorough examination of all matters participants consider important, and guide preparation of submissions to be filed prior to the public hearing and oral submissions at the hearing, but shall not be used to limit the questions, comments, evidence or other submissions participants may wish to put before the Commissioners in the public hearing.
15. Unless the Commissioners directs otherwise, evidence will not be required to be given under oath or affirmation under rule 34.2.
16. Consistent with the variance to rule 2.2(l) above, rule 37.3(a) providing for the purpose of informal hearings, shall be read as allowing participants the opportunity to communicate their views about the proceeding in an informal environment, and submit evidence to the Commission relevant to its inquiry, as well as to allow Elders and other non-participants to make comments under rules 23.11 and 23.12, subject to time limits as may be directed by the Commission.
17. For clarity, rules 37.5 and 41.3 shall be read as providing for public "access" to documents as opposed to "public review" which is a defined term in the *RPHPR*.
18. Pursuant to rule 42.1, the Commission will provide simultaneous English, French, Innuinaqtun and Inuktitut interpretation at the hearing.
19. Rule 49.1 shall provide that the Commission may on its own initiative reopen the record.
20. The public hearing will be an informal public hearing in a town hall forum for parties to make oral submissions to the Commission, without examination and cross-examination of witnesses, at which the order of events as provided in rule 50.1 will be varied as follows:
 - a. Opening Prayer;
 - b. Opening remarks by the Chairperson, which shall include the purpose of the hearing and the scope of matters to be considered by the Commission;
 - c. Introduction of the Commission Members and staff;
 - d. Identification and introduction of the participants;
 - e. Introduction of the Elders and Chairperson's explanation of their role in the hearing;
 - ~~f. Identification of any motions or objections;~~
 - g. Presentation by the Commission staff;
 - ~~h. Questioning of the Commission staff by participants; Response by the Commission staff to pre-submitted written questions;~~
 - i. Presentation by participants (20 minutes each participant, except for Canada, Nunavut, NTL who each have 60 minutes) and questions by Commissioners after each presentation;
 - j. Comments from Elders and non-participants under rules 23.11 and 23.12;

- k. ~~j.~~ Questioning of participants by Commissioners and any participants;
 - l. ~~k.~~ Reply by Commission staff;
 - m. ~~l.~~ Final closing statements by all parties (5 minutes each participant, except for Canada, Nunavut, NIT who each have 30 minutes);
 - n. ~~m.~~ Closing remarks by the Chairperson; and
 - o. ~~n.~~ Closing Prayer
21. The DNLUP and the Commission's Options and Recommendation document (ORD) do not necessarily represent the views of the Commission. Participants may support, challenge, test, comment on, or supplement the DNLUP and ORD through their own evidence, submissions, presentations, and argument. The Commission may consider and rely on the DNLUP and ORD, and any oral or written comments made on the DNLUP whether prior to or at the public hearing as well as any documents in the Commission's record when revising the DNLUP after the public hearing to submit the final DNLUP for approval.
 22. Commission staff will present a brief overview of the DNLUP at the public hearing, participants may submit written questions they wish the Commissioners to ask Commission staff by the date provided in paragraph 1 above, and the Commissioners may in their discretion ask (or decline to ask) questions whether as submitted by participants or pursuant to rule 32.7, but unless otherwise directed participants will not question Commission staff directly during the hearing.
 23. After all oral presentations have been heard and Elders and other members of the public have been given an opportunity to make comments, participants will be provided an opportunity to ask other participants questions, subject to any time limits and in the manner as may be directed by the Commissioners at the Public Hearing.
 24. At the written request of a party or interested person seeking a time extension to notify the Commission of an intention to participate or to apply for a grant of standing, as the case may be, whether submitted before or after the time to become a participant as set out in a public notice issued under Rule 10.4 has expired, the Commission in its discretion may grant such time extensions where it is fair to do so, and may in its discretion solicit the views of the participants.



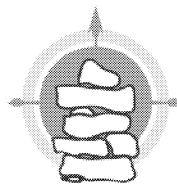
Timeline for the Development of the NLUP October 2016

Date	Task
2016	
September 27-29	In-person Pre-Hearing Conference, Iqaluit
October 4-6	Commissioners meet in Iqaluit to determine format for Public Hearing and confirm direction on procedures (Rule changes)
October 19- November 7	Regional Community Representative Sessions to be held in North Baffin, South Baffin, Kitikmeot, Kivalliq, Denesuline, and Makivik regions. Topics to be discussed include orientation to the draft NLUP and Options and Recommendations document, and advice and materials to prepare for the Final Public Hearing. Communities will be canvassed for comments.
November 15	Filing and service of expert reports (with executive summaries in English, French, Inuktitut and Innuinaqtun) to be put before the Commissioners at the Public Hearing.
December 15	Participants may file and serve expert reports (with exec. summaries in English, French, Inuktitut and Innuinaqtun), including but not limited to executive summaries, responding to reports filed November 15, 2016.
2017	
January 13	Final deadline to file and serve digital copies of written submissions on draft NLUP, written evidence, or other materials to be relied upon in Public Hearing (excluding expert reports), to be posted on NPC website. Participants must translate filed documents into English, French, Inuktitut and Innuinaqtun in their entirety.
January 17-18	2 nd Pre-Hearing Conference (in writing) as necessary as determined by the Commissioners at next Commission meeting (December 6 – 8, 2016)
February 1	Participants to notify the NPC if they intend to refer to any documents in NPC's public record in oral presentations, and file and serve translated excerpts of any previously filed untranslated documents to be referred to (including untranslated excerpts from expert reports).
February 28	All visual aids (i.e. PowerPoint) translated by participants into English, French, Inuktitut and Innuinaqtun to be filed and served. For clarity, any text put on the screen must be translated. Visual aids to be used by NPC staff to be posted and distributed to participants in English, French, Inuktitut and Innuinaqtun.
March 6	Participants must deliver to the NPC the following number of hard copies of any documents a participant will use at the Public Hearing: 60 English, 20 French, 20 Innuinaqtun, 100 Inuktitut.
March 7	File and serve questions on the NLUP participants want Commissioners to ask staff at Public Hearing. Commissioners will review for duplication/relevance and may ask questions submitted (or not).
March 21-28	Public Hearing, Iqaluit.
April 21	Post Public Hearing written arguments due from all participants.



The public hearing will be an informal public hearing in a town hall forum for parties to make oral submissions to the Commission, without examination and cross-examination of witnesses, at which the order of events as provided in rule 50.1 will be:

- a. Opening Prayer;
- b. Opening remarks by the Chairperson, which shall include the purpose of the hearing and the scope of matters to be considered by the Commission;
- c. Introduction of the Commission Members and staff;
- d. Identification and introduction of the participants;
- e. Introduction of the Elders and Chairperson's explanation of their role in the hearing;
- f. Presentation by the Commission staff;
- g. Response by the Commission staff to pre-submitted written questions;
- h. Presentation by participants (20 minutes each participant, except for Canada, Nunavut, NTI who each have 60 minutes) and questions by Commissioners after each presentation;
- i. Comments from Elders and non-participants under rules 23.11 and 23.12;
- j. Questioning of participants by Commissioners and any participants;
- k. Final closing statements by all parties (5 minutes each participant, except for Canada, Nunavut, NTI who each have 30 minutes);
- l. Closing remarks by the Chairperson; and
- m. Closing Prayer



Summary of Draft Nunavut Land Use Plan Pre Hearing Conference

September 27-29, 2016

1. Opening Prayer/Qulliq lighting ceremony

2. Review of the Agenda

Objective: Discussion of any suggested changes to the agenda and identification of any additional issues for inclusion in agenda item #11.

Roundtable Notable Comments

- Chamber of Mines requested that in Section 8, Item D of the agenda, Industry be identified as a separate category in the list of participants for the public hearing
- NTI requested that RIAs be under the category of Designated Inuit Organizations following NTI, followed by the HTOs.

NPC response

NPC agreed to the changes to the order of presentations.

3. Overview of the objectives, context and proposed format for the Public Hearing

Objective: Presentation by NPC team/advisors and a brief opportunity for questions and discussion.

Summary

NPC provided an overview objectives, context and proposed format for the Public Hearing. Stressed that the NPC is open to feedback on all topics of discussion.

Roundtable Notable Comments

- Kivalliq Inuit Association: Happy that Inuit Traditional Knowledge is being considered.

4. Formulation of Issues for Public Hearing

Objective: Participants to discuss the proposed issues with the intent of developing a clear statement of the key issues in question for the consideration of the Commissioners at the public hearing (R. 22.1(a), 25.1). * The statement of issues is intended to focus discussion at the public hearing to make the best use of limited time and, in the interests of all parties, ensure that the Commissioners benefit from a thorough examination of all important matters. It may also guide preparation of submissions to be filed prior to the public hearing and oral submissions at the hearing. Participants may suggest additional issues in writing prior to September 19 or at the PHC.

Summary

NPC provided an overview that noted that:

- The preliminary draft list of issues is meant to be a starting point for the discussion.
- The NPC does not want to limit the issues that will be considered at the public hearing
- The process will be enhanced if participants identify key issues for consideration, and will help participants use their presentation time at the public hearing wisely.

Roundtable Notable Comments

- Participants noted that additional issues may be identified in written submissions, and that the list should be open and not closed.
- GOC noted that if there are new issues that arise at the public hearing there needs to be an opportunity for written follow-up after the hearing.
- NAM noted the importance of drinking water supplies, landfill sites, and decommissioning.
- Chamber of Mines: Regarding E #18 to #21, concerned that caribou Protected Areas could have significant negative impact on economic development in Nunavut. Looking for a balance.
- Agnico Eagle: Need to consider the impact and the effect of the Protected Areas in the long term.
- Baffinland: caution the NPC talking about detailed protocols on mass shipping. It is best left to Transport Canada
- Kivalliq Inuit Association: concerned that the DNLUP would block a Manitoba to Kivalliq hydro/access corridor development
- QIA: Under the NLCA, the land use plan will take into account Inuit goals and objectives for IOL. This must be referenced in the list of questions. Communities need to respond to the plan as a whole as well as to the specific designations.
- NTI: Under 21 acknowledge KIVIA and KitIA concerns about the Manitoba-Nunavut corridor and Grays Bay corridor and verification of GIS boundaries. May be better positioned to answer these issues following the community meetings and expert reports.
- GOC: Identified 5 key issues:
 - Drafting - Once the LUP is approved it will have the force of law, so clarity and predictability is a shared goal.
 - Caribou Protection - The proposed approach to protecting caribou habitat in the plan would impact natural resource development opportunities in the territory more than is necessary.
 - Marine Transportation - The proposed prohibitions on the movement of vessels within portions of the NSA would impede several essential services. The proposed seasonal prohibitions on transiting the Northwest Passage can be expected to provoke a negative reaction from certain other states.
 - Terrestrial Linear Infrastructure - The GOC considers the current restrictions and requirements for terrestrial linear infrastructure development overly restrictive, given the potential for terrestrial linear infrastructure development to provide opportunities and benefits to Nunavut.
 - Forward planning process - The planning process needs to include appropriate opportunities to review and discuss the changes that will occur as the planning process continues. A collaborative approach is more likely to result in a draft that can be recommended for approval. The GOC is recommending the NPC incorporates into the planning process opportunities to advance issues on a topic-by-topic basis. GOC will work with NTI, the GN and others to seek alignment on key issues.
 - NPC noted that there are a finite number of situations that the Commission will be able to engage, which makes participant-to-participant bilateral communication that much more important.
 - GN: there is willingness to work collaboratively with NTI and GOC on some outstanding issues, including – caribou protection, transportation, sustainable economic development, IQ incorporation, RIA feedback, and being able to see rationale for the land use decisions.
 - NTI remains open to bilateral or multi party discussion on topic-by-topic basis or general terms.
- NWB issues by heading:
 - A – Cumulative impacts, Water Management Strategy, Nunavut Marine Council
 - B – Transboundary considerations, effects of climate change on existing developments
 - C - drinking water supplies

- E – Strategic Environmental Assessments
- F - Roles and responsibilities of regulatory authorities under the DLUP, grandfathering.
- NIRB: #25 may not be able to be addressed during the hearing, but addressed at an implementation level.
- WWF issues: walrus haul-outs, marine areas warranting protection, existing rights, non-quota limitations on harvesting (bottom trawling), polar bears, caribou, community areas of interest
- Chamber of Mines: Agree with GOC regarding topic by topic review. Have raised issues several times through several submissions, but don't see those issues being reflected in this current land use plan - particularly caribou protection, existing rights, grandfathering, and transportation corridors.
- QWB: caribou is the priority
- KivIA: questions about the interface between the land use plan and environmental assessment of linear infrastructure proposals; will continue to comment on linear infrastructure and mineral exploration; also comments on 20 and 22.
- NTI: will comment on potential implications for the designations, particularly when it comes to IOL; DND sites; Community Areas of Interest; linear infrastructure including marine; areas of equal use and occupancy; and existing rights.

5. Identification of Information Gaps

Objective: Participants to identify any significant information gaps relating to the list of issues requiring requests directed from NPC to participants, or between participants, and agree to a proposed schedule to file requested information including any expert reports (R. 16.4, 16.5, 19.1-19.3)

Summary:

The NPC can only draft a land use plan using information it has been provided. If there is any additional information that participants feel is relevant and should be included in the Plan, the NPC needs that information for consideration. When providing information gaps, the NPC needs to know who the request is directed to.

Roundtable Notable Comments & NPC's Response:

- Nunavut Water Board: The Water Management Strategy has not yet been developed. At the Public Hearing, the NWB will, in its oral report, include preliminary data on the Strategy. Once complete, the Strategy will have an impact on the Plan Amendment process.
- GN: The GN requested a rationale document (comments to submissions) from the NPC.
- Chamber of Mines: The Chamber requests from NPC a comparison on how much land in Nunavut was off limits to mining and exploration before 2014 and after 2016 draft plans (in percentages). The Chamber is also requesting (in percentages) the amount of Protected Area designation that was added in the 2016 draft. From INAC, the Chamber is requesting maps indicating areas of high mineral potential.
 - INAC response: INAC will revisit areas of high mineral potential and try to get the information out before the upcoming regional sessions.
- Kivalliq Inuit Association: KivIA is requesting from the Inuit Heritage Trust to provide maps of traditional burial sites and traditional place names.
- Nunavut Tunngavik Incorporated: NTI is requesting access to the telemetry data and collar data for caribou, as well as predatory rate information from the GN. From INAC, NTI is requesting the DND landfill locations and whether they have been remediated. NTI is also requesting from INAC the location of bird colonies to determine their impact on setbacks on IOL.
 - GN response: Raw caribou data is managed by the GN Department of Wildlife. GN Department of Environment will expedite the request to release this information.
 - INAC response: INAC will confirm with DND on the sites that NTI requested.

NPC response: Everyone present should make a list and send to NPC to ensure sure gaps are clearly understood and the organization responsible. The O&R should be read in conjunction with the rationale document.

6. Proposed Hearing Format

Objective: *Participants to comment on the following proposed format relative to order of events at public hearing in R. 50.1. Rule 50.1 is reproduced below for reference.*

Comments:

The NPC proposes holding informal hearings, where participants will make oral presentations to support, challenge, comment on or supplement the DNLUP, and answer questions, in a town hall style forum.

NPC staff will present a brief overview of the DNLUP orally, followed by time-limited oral presentations by participants, with questions after each presentation as time permits.

Participants wishing to provide technical or other written evidence (including expert reports) whether or not relied on in oral presentation must file with NPC by January 13, 2017 (R. 10.4(i)). All documents filed with the NPC prior to public hearing will be put in NPC's public record.

The NPC will not be calling witnesses to be examined and cross-examined before the Commissioners. Unless the Commissioners order otherwise, evidence will not be given under oath (R. 34.2) and affidavit evidence will not be requested (R. 13.5). Subject to direction by the Commissioners and time constraints, time shall be set aside for Elders and non-participants to provide oral comments on the DNLUP (R. 23.11(b)).

As there is usually no opportunity for written arguments to be submitted following a public hearing on land use plans, there will be no written arguments or replies following the public hearing.

Summary:

The Public Hearing format (R. 50.1 of the Rules) can be changed. However, with the high number of participants, a limited budget, and time constraints, the NPC has illustrated an example on how to change the format to reduce time constraints. The NPC looks to the participants for comments and suggestions.

Roundtable Notable Comments & NPC's Response:

- Question periods during the Public Hearing: Nunavut Tunngavik Incorporated, Nunavut Water Board, NIRB/NWB legal counsel, World Wildlife Fund, Government of Nunavut all agree that question periods should not be taken off the Public Hearing schedule in the interest of time.
 - WWF: If questions are taken away, GN, GoC and NTI should at least be available for questions.
 - NIRB/NWB legal counsel: Questions and answers from Elders and public is invaluable during NIRB/NWB hearings.
 - NPC: 5 members from each community are going to be in attendance at the Public Hearing and participating.
 - NWB: GN and NTI should have the opportunity to ask questions if no one else can.
- Regional Public Hearings: NTI and RIAs, KivIA, and NAM suggested regional public hearings to alleviate time restrictions.
- Shortening of oral presentations: Chamber of Mines suggests presentations should be shortened from 20 minutes to 10 and that closing statements should be provided as written submissions.
- Regional Wildlife Boards should represent the HTOs: A suggestion made by KivIA to reduce amount of time spent on presentations by HTOs.
- 6-step process in advance of the Public Hearing: Justice Canada suggested that more time is needed to complete the following before the Public Hearing:
 - 1. Conduct a legal and technical review
 - 2. Determine the scope and ambition of the Plan
 - 3. Find issues with pervasive impact on the Plan

- 4. Break down the issues until they are manageable
- 5. Create another draft
- 6. Discuss new draft amongst everyone
- In response to the NPC's fiscal responsibility, the GoC mentioned that the money could possibly be carried over if it is premature for a Public Hearing to take place.

NPC response:

The Commissioners will address the Public Hearing schedule and make a decision next week.

7. Review of RPHPR and Directions on Procedure

Objective: Roundtable discussion on whether RPHPR amendments or clarification are required, and participant positions on procedures relating to the following for direction on procedure by Commissioners:

1. Submissions, replies, arguments submitted to NPC via email in PDF format or via fax, one original copy of written material to be mailed to NPC if submit electronically or by fax;
2. Technical evidence must have required statement of authors' qualifications (R. 39.2, 47.1).
3. Participants may submit sworn or unsworn evidence (R. 34.5) and witnesses will not be called to present evidence orally in hearing;
4. Organizations must provide translated executive summaries of documents (R. 13.6);
5. Community meeting & consultations included in record (R. 21.1)
6. At the end of the public hearing, NPC may adjourn to receive further evidence if requested (R. 31.2, 32.7, 49.1)
7. Whether participants propose any amendments or direction on procedure for discussed hearing format.

Summary:

Commissioners will be making changes on the Rules of Procedure next week. Comments and recommendations by participants on the Rules are welcomed and encouraged.

Roundtable Notable Comments & NPC's Response:

- Justice Canada: recollection on rules is that they are focused on single engagement PH and not the arc of a hearing from preliminary stages to post-PH-which would be useful. All directions on procedure should be collected in one document for easy reference. Is it reasonable for every participant to provide every document if it is already in the commission consultation record?

NPC Response:

A collection of directions on procedure will be put on the NPC website.

8. Order of Presentations by Parties with Standing at Public Hearing

Objective: Participants to comment on the following order. First, NPC staff will summarize the content of DNLUP orally (20 minutes). Second, time-limited oral presentations by participants with questions after each presentation as time permits (or written questions) in following order [see attached Agenda for list].

Summary

In the Pre-Hearing Conference agenda, the NPC provided an example list on the order of presentations at the Public Hearing. Comments on the order were encouraged.

Roundtable Comments

Chamber of Mines: The Chamber suggested that Industry have its own grouping in the order of presentations.

NTI: NTI suggested if NAM could present after all of the Hamlets. NTI also asked whether Inuit Associations (QIA, KitIA, and KivIA) could present after the Designated Inuit Organizations. Individual participants should be included after the Hamlets.

Kivalliq Inuit Association: A comment was made whether the Nunavut Inuit Wildlife Secretariat could represent HTOs. Or, the HTOs could be represented by the regional wildlife boards.

Nunavut Water Board: If the NPC forgoes the question period at the Public Hearing, perhaps the signatories could go last. After hearing all the presentations, they can include any concerns into their own presentation.

NPC Response

It is possible, and all participants involved must agree to this, that participants who share similar interests may present as a single association (regional wildlife boards present on behalf of the HTOs). The time allotted to these participants will not change, but how information is presented and the amount of time can be amalgamated to present a stronger message.

9. Logistics

Objective: To review the proposed arrangements for the Public Hearing, including: venue; catering; translation services and requirements; record keeping and transcripts; and accommodation options.

Summary

The NPC provided a brief overview on the logistics (hotel bookings, flights, etc.) for the Public Hearing.

Roundtable Comments

NTI: The NTI suggested booking a conference room that could accommodate at least 300 people.

Justice Canada: Justice asked about the availability of hotel rooms in Iqaluit, as well as the capacity of the Public Hearing venue and whether it was safe to hold the amount of people attending.

NPC Response

The Cadet Hall was booked for the Public Hearing. The NPC has blocked off 217 hotel rooms- 160 of them are reserved for the NPC and participants.

10. Review of Timeline with Focus on Objectives for The Six (6) Regional Community Sessions in Fall 2016

Objective: Agree to final schedule for information requests and responses (agenda item #5), expert reports, deadlines for filing documents, advance notice if putting documents before Commissioners, and pre-hearing motions (if any).

Summary

NTI has sent a letter to the NPC September 23, 2016 to raise their concerns about the regional PHC and community feedbacks sessions. Copies of the letter was provided to the participants. After the NTI has summarized their concerns to the participants, NPC (Sharon) responded to explain that NPC staff has met with the signatories parties on Tuesday evening to work them through the agenda of the regionals and the contents of each item. A roundtable discussion followed. Some participants shared the view of the NTI that one day is not enough to explain the plan to community members, prepare the representatives and receive community feedbacks. Others have nothing to say about it. NTI and GOC were also interested in a more active role in the regional sessions.

- **NTI:** Summarized the three concerns raised by NTI in their letter:
 1. One day sessions will not be enough time to allow communities to review the LUP or review the designations that impact them directly;
 2. Concerns about impacts on IOLs lands;
 3. It will be difficult for DIOs and RIAs to participate in the regional sessions.
- **NPC:** Explained that the regional sessions are in fact a two sessions combined in one day such as we will have a day session of Pre-Hearing conference and an evening community feedback sessions. Confirmed that the NPC has made two seats in the charter available for each NTI, GN and GOC to travel and participate in the regionals sessions. Went through the agenda of the regionals stressing that the day session is to fully inform the communities on the DNLUP and prepare the 5 representatives who will be representing their

community at the Public Hearing. The evening session is receive the communities' feedback on the plan. The sessions are open to the public and NTI and the DIOs are more than welcome to participate at these community engagement sessions.

Roundtable Comments

- **NWB** will not be participating at the regionals session but share NTI's concern about the time frame.
- **GN:** Do not have any opinion about how is appropriate for the regional community sessions. The GN is interested in attending the regional sessions. Support some of NTI concerns with the need to very proactively present both the positive and negative implications, as well as specific land use designations. Would like to have a rationale document that shows the differences between the 2014 and 2016 versions of the draft plan.
- **WWF:** Wondering if there will be a transcripts of the regionals.
 - **NPC:** Yes transcripts will be available as soon as possible the sessions will be videotaped and posted on NPC website as well.
- **Kivalliq IA:** Would like the NPC to reconsider a two (2) sessions for the 4 Nunavut regional sessions. It is great expense but well worth it.
- **Kivalliq IA:** The rules of procedures of the Public Hearing have to be well explained in the community.
- **NTI:** The Land use plan is complex to explain to people who do not any prior knowledge of it. These are the land users, especially within specific communities, this is how they will use their land. Their input is going to be something that has the most weight after the verbal submissions up to this point. So we have a responsibility in delivering this message where we need to create that awareness in a way that is not rushed. Should consider more than a day.
- **NTI:** Noted that from the agenda, it is in their opinion that the regionals are more for the preparation of the community representatives for the Public Hearing. It is a diluted process compare to what NTI wanted, which to go back top each community with the new version of the plan to confirm if is acceptable top them. However it is very good to make sure the community representatives are well prepared for the PH.
- **NTI:** Would like to briefly go through the agenda items to have a full understanding of the objectives for each time slot and for the purpose of NTI and RIAs to see how they can have further engagements in the agenda.
- **NPC:** NPC walks through the agenda and explained that NPC staff will support community representatives in preparation of tools (poster, bulletin boards...) to engage their community and collect their feedback on the plan. The evening session is for a dialogue and feedback on the broad plan and also on individual regional and community issues and interests.
- **GOC:** Would like to know if they can have a time slot to make presentations about migratory birds and maps and hear from the community.
- **NTI:** would be interested in addressing the Issues of IOLs during the regional Summary of the DNLUP.

NPC response:

The commission is committed to the parties, and if they are coming and wanted to make to participate such way, we will make sure that have the time in the feedback session for that. NPC is also interested in the issues of elders identifying why IOLs were selected. CLARC members can also attend at their cost and share knowledge on their communities.

11. Roundtable: Topics of Concern to Participants

Objective: Participants may raise and discuss any outstanding issues arising from the agenda or PHC discussions not already covered.

Summary:

Outstanding concerns raised by participants are:

- Clarity and uncertainty in the Draft plan

The Government of Canada raised the question about the clarity and uncertainty that exists in the plan and proposed a technical and legal reviews and redrafting of the plan prior to the Public Hearing. NPC (Allan Blair has proposed that since the GOC and the GN have experience and Staff for drafting legal documents, they can take the

lead on the redrafting, and the NPC can send it to all parties, as long as the redrafting do not change the policy and content of the plan. GOC rejected the proposition. Some other participants share GOCs concern about existing lack of clarity (DFO, Agnico Eagle, and Kivalliq IA).

- NTI recalled the NPC staff on proposals to restructure the Public Hearing in three (3) regional Public hearing (or two (2) Public hearings (one in Iqaluit and one in the communities).
- NPC clarified that all propositions will be presented to the commissioners for decision, however the three regional hearing were considered in the past but the GOC of Canada, has rejected that proposition and founding is made available for only one PH in Iqaluit.



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September 21, 2016

Sharon Ehaloak
Executive Director
Nunavut Planning Commission
P.O. Box 2101
Cambridge Bay, NU X0B 0C0

Via E-Mail

Dear Ms. Ehaloak:

Re: Six Regional Pre-Hearing Conferences October/November 2016

I am writing on behalf of Nunavut Tunngavik Incorporated (NTI) to provide our views on the Regional Pre-Hearing Conferences that the Nunavut Planning Commission (NPC) is planning to undertake in October and November.

While we acknowledge NPC's efforts to respond to NTI's request to conduct further community consultations to ensure that there is active and informed participation and support of Inuit and other residents in the land use planning process as required under the *Nunavut Agreement*, we have several concerns with NPC's proposed regional sessions. As you are well aware, the Draft Nunavut Land Use Plan (DNLUP) has been amended significantly since NPC conducted its community tour in 2013 and 2014 without further community consultations. Inuit and other residents of Nunavut communities have not yet had the opportunity to review and provide their views on the draft designations (i.e. affirmation of community areas of interest) contained in the DNLUP 2016 (or the previous DNLUP 2014). It is critical that the regional community sessions allow for community members to fully review the DNLUP 2016, its draft designations, and focus on gathering community feedback that is taken into consideration by the NPC in the development of the Nunavut Land Use Plan (NLUP). A successful conclusion to the land use planning process is tied to whether the final NLUP reflects the priorities and values of Inuit and residents of Nunavut.

In light of the critical role of community consultations in the land use planning process, we are alarmed to learn that the regional sessions are planned as one day sessions

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where up to eight communities will participate simultaneously. One day regional sessions will not provide sufficient time for adequate and meaningful consultation on the DNLUP 2016 and will not address the consultation concerns raised by NTI and the Regional Inuit Associations (RIAs). There are over ten proposed new land and marine designations that require careful review and consideration by communities. The current proposed agenda does not allow for an in-depth review of the content of the DNLUP 2016 as it does not provide sufficient time to both present the extensive land use proposals and allow for communities to reflect on the information and provide feedback.

Communities should be given sufficient time to assess the land use proposals with a full understanding of the impacts of the land use planning decisions. Regarding impacts of the proposed designations, we are pleased to see that Inuit Owned Lands (IOLs) are referenced in the proposed agenda for the regional sessions. However, the current agenda does not provide NTI and the RIAs with an active role in the sessions, which is vital. NTI and the RIAs are best placed to explain the impacts of the proposed designations on IOLs and request to do so at the regional sessions. To facilitate the discussion regarding Inuit goals and objectives for IOLs, it is essential that NTI and the RIAs participate with NPC in community consultations.

We are also concerned about the current tight timing between each regional session. The schedule, in some cases, only provides for one day between sessions, which will likely preclude NTI, the RIAs and other interested parties from participating in multiple, or all of the sessions, unless parties are invited to travel with NPC. We are of the view that the current agenda and schedule should be modified to make certain that NTI and the RIAs can participate fully.

We request that the NPC:

- Invite NTI and the RIAs to play an active role in the regional sessions presenting and gathering information regarding IOLs; and
- Modify the agenda for the regional sessions to provide significantly more time for communities to become informed of the content of the DNLUP 2016 and provide their feedback.

We look forward to working with NPC to make these important regional sessions a success and an effective part of the land use planning process.

Sincerely,



James T. Arreak
Chief Executive Officer

CC:

Paul Emingak, Executive Director, Kitikmeot Inuit Association
Gabriel Nirlungayuk, Executive Director, Kivalliq Inuit Association
Navarana Beveridge, Executive Director, Qikiqtani Inuit Association

**Pages 500 to / à 508
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21(1)(a)

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21(1)(c)

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